

Wilmington City Council met in regular session on Thursday, August 15, 2013, with President Scott Kirchner presiding.

Call to Order

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

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President of Council asked cell phones to be set to silent mode.

President of Council - President Kirchner:

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, August 1, 2013, as presented.

Motion passed.

Minutes approved as presented.

President Kirchner presented a Notice to Legislative Authority regarding a new liquor license application for Stovall Group, LLC dba Austin's Casual Eatery & Bar, 35 S. South Street, Wilmington, Ohio. This permit is for a D5L permit and will be on file at the Clerk of Council's office. He described the D5L license as follows: Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.

Councilman Wells asked if it was a violation to be open until 2:30 a.m. in the historic district.

President Kirchner said that permits in the historic district are only to go until midnight.

Councilman Jaehnig pointed out that the permit regulations and the actual operating hours of the restaurant are two different things.

Mayor - Mayor Riley said it was an honor to have the Governor in town to celebrate more job creation – 140 new jobs at Cole Taylor. They are now in the process of hiring primarily office people to work on mortgages. He said he was impressed by what JobsOhio has done for the City of Wilmington. Kasich had said he wanted state government to operate at the speed of business rather than the speed of bureaucracy, and he sees that happening. Mayor Riley pointed out that Brett Dixon has a good relationship with the Director of JobsOhio and that seems to help us. When looking at all of the jobs currently in the pipeline, it appears we could have a thousand new jobs by early next year.

Mayor Riley – went on to say that one of the things that helps with economic development is good press and good exposure. The City received fantastic exposure recently when we hosted a national event for the Sports Car Club out at the Air Park.

Councilman Jaehnig added that 23 states were represented as well as Canada, with 260 drivers and crews competing here for three days. The participants said our site was second only to their home headquarters in Lincoln, Nebraska. Upon hearing that, the mayor immediately asked them what we needed to do to become better than Nebraska.

Mayor Riley said that many people who drive in these races are business professionals, and a good positive impression of Wilmington is vital. They were impressed not only by the facilities at Air Park but with the restaurants, stores and the friendliness of the people.

Mayor Riley said that the front page of the Wilmington News Journal recently showed him with a pie in the face to support Rainbow Village. He encouraged everyone to support Rainbow Village as it is a great organization that does great work.

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

Asset, Acquisition and Use. - Chairperson Bob Mead introduced item 6(b), legislation authorizing the mayor to enter into a lease agreement for property located adjacent to 35 Sugartree Street and declaring an emergency.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Authorizing the Mayor to Enter Into a Lease Agreement of Certain Property Owned by the City of Wilmington, Not Required for Public Purposes, Pursuant to Ohio Revised Code Section 721.03 – Lease or Sale of Real Estate – Advertisement for Bids and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

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: 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. 5105 passed as read.

Councilman Mead then introduced item 6(a), an annexation that had been discussed at the previous council meeting. He asked the mayor for an update.

Mayor Riley – I met with the Union Township Trustees, as instructed, and negotiated with them on the payment in lieu of taxes. Bill Peelle and Jim Fife were there to discuss it. I told them in-perpetuity was off the table. Within no time at all, we had what I felt was a very fair offer from the township as far as the tax payment. It would be ten years at the full rate, and then we would decrease it by a certain amount over the next five years: 80%, 60%, 50%, 40%, 20%, and then the payment in lieu of taxes would be gone. You have details regarding the agreement in your packet. I would note that there are some adjustments that would be made in the number. The number that Danette Hines gave me, if we were making the payment today for those parcels, would be just short of \$3500 (\$3477.68). That will change slightly. When that property becomes part of the city and not part of the township, the amount that was being added to that for their Fire Levy would go away because they would now be covered by the Wilmington City Fire Department. Danette also found out that McMahan's trailer park, the entire property was being taxed at CAUV – the current agricultural value. Twenty-eight acres of that parcel are actually mobile homes, so that is going to have to be adjusted somewhat. There is going to be a little bit of juggling, but I don't think it is going to be a whole lot different than the \$3500. Most importantly, we are working with our friends in Union Township to come up with a fair and equitable exchange for property going from them to us and then us trying to reimburse them for a period of time so they don't lose all of their tax base. We don't know when, where or what, but sometime in the future, there are going to be other annexations. We can't just keep carving away at Union Township's property. This seemed like a very fair thing. I appreciate Jim and the other township trustees working diligently on this. I believe that what we have come up with a fair response. I would recommend this to the council for approval – 10 years of a 100% payment in lieu of taxes and then 80, 60, 50, 40 and 20 over the last five years. Someone had mentioned a full 12-year, but this proposal is only six months different than a full 12 year.

Jim Fife –We want to enter into a good faith agreement, and we want to make this happen for our neighbors out at McMahan's Trailer Park. We came together as a group

to try to put a package together that would be acceptable for both the township and the city council.

Mayor Riley – This will allow us to very quickly provide infrastructure support to those properties so they can get businesses up and running. If there is development there in the next few years, then we get the income tax from the employment. Just looking at McMahan’s Trailer Park, if you factor in the sewer and the trash revenue, it really makes up for the \$3500 that we would be paying. It is a good deal for the city and a good deal for the township.

Bill Peelle – the residents of the McMahan’s Trailer Park need to move forward as expeditiously as council would be willing to do. There has been a lot of energy put forth by the mayor and the trustees. The trustees moved off of their original position. I encourage council to get the matter resolved as quickly as possible.

President Kirchner asked the Auditor how much of the money was fire levy money. Terry Habermehl stated he did not have the information in front of him. President Kirchner asked Jim Fife if the fire levy was 6 mils and Jim Fife responded that it was.

President Kirchner said that by using the 7.2, we would quintuple the amount we are paying, from 1.2 up to 7. We’ve never historically done that in annexations. Is the desire of the township to be paid for the amount they would have received from the levy as well?

Richard Moyer - I think the question becomes, if that comes into the city, then in reality, if that contract is still in effect, you are still paying for the fire based on that levy. So, if you give it back to them, it’s a wash.

President Kirchner – No. Once it comes into the city, they would not be paying for that portion.

Richard Moyer - Then the contract would need to be renegotiated is what you’re saying; the amount of the contract would change.

President Kirchner – A contract is already negotiated to reflect the exact amount of the levy, so whatever they collect on the levy is what the contract amount it.

Councilman Jaehnig – It’s not a dollar amount.

President Kirchner – So, by annexing it into the city, they would lose the fire levy income, but they would not have to pay the fire levy income from that property. So, they would not make the money and they would not turn it over to the city.

Moyer – What you’re saying is, what the township pays in tax, would revert back to township property, so once that comes back to the city, the township is not going to be taxed on that anymore, so that drops off.

President Kirchner – If that amount is included, it ends up being a double amount, where the city doesn’t get the income from the township’s levy and they end up paying the township the amount that the township would have already turned over to the city.

[Discussion of fire levies]

President Kirchner – Historically, the language has clearly identified the township millage that was associated with this, and to my knowledge, the current agreement does not. So, it looks like there is a change being proposed.

Councilman McKay – I don’t think they are proposing that on purpose. I think we need to talk to the township and Mr. Peelle about that. If their intent is not to do that, I would feel that they could change the language to reflect what we’ve been talking about.

President Kirchner – Council is going to need to see the agreement with the language changed if that is the case.

[Discussion of millage and levies]

Councilman McKay asked if we could make an assumption that they will change the language and talk about instead, the real issue, the number of years for the agreement.

President Kirchner – My personal thought is that the constituents would not want us to assume on their behalf. They would want us to be sure.

Councilman McKay – Just for the sake of discussion...

President Kirchner – the Law Director has just shared with me that the language, the way it reads, he would interpret to mean the entire 7.2. So, we definitely have some more work to do on any kind of an agreement.

Richard Moyer – If I understand this correctly, the proposal would stay the same as far as the township is concerned, it would ten years at full, then the 80, 60, 50, 40, 20. But, once that property is annexed in, since the fire contract is based upon the collection, based on the millage rather than based on a set figure in the contract itself, that actually ends up being a wash once it comes in. So, what you are looking at to keep them 100% whole is what is left after the fire levy is adjusted after coming into the city.

President Kirchner – That is historically what the contract has contained – as opposed to the levy millage.

Richard Moyer – So tell me where the township would be because fire money drops off, so it puts them in the same position after the annexation as far as tax collections are concerned as it was before the annexation.

[Further discussion of fire levies and millage]

President Kirchner – The mayor had mentioned a 12-year approach, which would not be that much more than the 15 year. Actually, the 12-year that was talked about was the Ohio Revised Code dictated schedule, which would actually be significantly less than this agreement. It becomes decelerating at year one and decelerates through the 12 years. The historic agreement that the city has had with the township is more generous than this.

Councilman McKay – Assuming that the fire levy numbers will not figure into this, the township has not asked for this to happen. They have been asked by their resident. This is something that is somewhat of an emergency nature. They are our neighbors. McMahan's are our neighbors. It is potentially valuable real estate. We have talked about ten year in the past. I feel this needs special treatment, and I would be very much in favor of accepting this proposal.

Councilman Siebenaller – I'm trying to wrap my head around – when you say the fire levy is a wash – what does that do to the numbers?

Councilman Jaehnig – It will drop the number from the \$3477 to approximately between \$600 and \$650 dollars, as the 1.2 inside mill. You will be looking at that for six years, and then an additional five on a degrading scale. If the values of the properties increase, then obviously what they would get reimbursed for would increase, based on what is being proposed.

Mayor Riley – I would hope that any significant property value increases would bring with it an increase in the number of jobs.

Councilman Siebenaller – I don't have a problem with the way it is set up, just making sure I understand exactly what we are doing.

Councilman Mead – I have a statement written out, and I'm going to read it. When the Air Park was annexed, there was an agreement prepared and signed by two parties: the township and the city. At that time, both parties were in agreement that this was the proper way to proceed in this as well as future annexations. The ten-year time limit for tax recovery on all future annexations was put in probably, forget the perpetuity, on the project being annexed at the time. Changing the 10-year agreement now would seem to indicate that the original agreement was not made in good faith, but only to gain an advantage at that time. I feel Wilmington should not change the agreement that was made at that time. I believe we should honor our agreement with the township and make the period for the new annexation agreement ten years. I remember that the conditions recommended by the Ohio Revised Code are not nearly as good as the 10 years at the full amount. That is my opinion.

Councilman Wallace – I do feel like having a good faith agreement with our neighbors, the trustees, I think it's important. I don't have a problem with a 10-year or a 15-year graduated down. I could accept that.

Councilman Stuckert – The only thing that makes me feel a little uncomfortable is people keep using the term good faith and good neighbor as if we go with 10 years, we are not being a good neighbor and we're not doing good faith. I definitely want council and the township to be good neighbors and to do things in good faith. I don't think it's fair to arbitrarily to establish that 10 years means not good faith and not good neighbors. I don't think that's fair. I'm concerned about going to fifteen years – is this going to be the new precedent? It's already been stated that we will have additional annexations – they are probably inevitable with the growth of the city. The only reason you annex is because you are taking on land that is going to be developed and people are not going to come unless the city provides city services. I view the relationship between the township and the city similar to the relationship between two lawyers. I don't think you consider one fair and one unfair if they are pushing for the best interest of their constituent. I am interested in having the discussion of what this 15 years means to precedent going forward. Are we going to have a negotiation every time, with a special agreement being worked out every time? Are we going to have a precedent that we live with as we have in the past? I have mixed feelings on it. I'm not prepared to say that I can't be convinced of the 15 years. My strong inclination at this time is to honor the agreement that was made originally that provided for 10 years.

Councilman Wells – At this time, I'm willing to go along with the negotiated agreement that the mayor has come up with as long as we adjust these numbers downward to the true value that we are talking about. If we can get to the true value, I am willing to go along with that.

Councilman Jaehnig – I look at it a little differently. Obviously, McMahan's has a need and that is important and needs to be taken into consideration. The agreement that they made when Airborne annexed into the city was a bad deal. There were a lot of income dollars in there, but the perpetuity was a bad idea. I think each individual circumstance has its own issues. I don't think we can ever set a standard that every piece of property that is ever annexed into the city is going to fall into the same standard. This particular property that we are looking at right now, I look at as an investment. Is it worth our investment? Is it worth this much money to invest to have this in the city? Can we do what we need to do with it to make it worth our while? There is some risk involved because we are acquiring a road that is a substantial road for us to take care of. That concerns me. While Union Township and Wilmington are talking here, it's the county that is making out like a bandit on this deal. If I could figure out how to get money from the county, I would have my hand out, because all of the sudden, they don't have a road that they need to take care of and they're not giving up any funds to help us take care of it. But, this particular piece of property, I think has great investment potential for the community. I really think in the long-haul, the \$660 a year and then gradually scaling for 15 years is a cheap investment. It's a penny stock on the long-term return I think we can get. In the short-term, it will make it a little tight because of the road we need to take care of. But, I think long-term, it's a good investment. I look at it a little bit differently. I think the proposal made is much better than the original proposal of DHL. I'm okay with the graduated scale.

President Kirchner – Mr. Service Director, do we have an estimate on what it costs to take care of the three mile road that we will be annexing? What is it going to cost the citizens of Wilmington to take care of it? There will be no township funds or county funds. Do you have an estimate? I did a little research.

Service Director Reinsmith – Someone was talking about how they pulled it up on the internet. Where did you get yours from?

President Kirchner – This is estimating costs per lane mile, routine highway operations and maintenance study that was performed by the Midwest Regional University Transportation Center, College of Engineering, Department of Civil Engineering, University of Wisconsin, Madison. They incorporated Wisconsin, Michigan into the study. It's 72 pages and very extensive. You're looking at an average of \$4300 per lane mile per year, which multiplied by six, puts you over \$25,000 when you have two lanes and three miles.

Service Director Reinsmith – I might challenge those numbers. If you want to do a quick multiplication, we now have a 107 lane miles of roadway. If we were using your number, what would that number be? Our budget is nowhere near those kind of dollars that we do for all of the other streets in town.

Paul Hunter – That includes the amortization of street paving spread out over that.

President Kirchner – And repair to get you between paving, mowing, and things of that nature. It was an extensive study. So, you would challenge the college's methodology?

Service Director Reinsmith – I'm looking at reality.

President Kirchner – Let's say it's not per mile, let's say it's for the whole road. If we have to plow it three times in a winter, what kind of money are we spending hours-wise, gas-wise, maintenance on the truck-wise? My concern is that an agreement that takes on that cost burden to the citizens of Wilmington but continues to compensate the township basically has the citizens of Wilmington subsidizing the township while they take on the cost and responsibility of this road.

Service Director Reinsmith – You are also picking up income tax. We don't know what that number is. You're picking up sewer revenue. You're picking up trash revenue.

President Kirchner – Those costs are associated with an Enterprise Fund that has to support its operations. I just think that we have to keep in mind that this body services the people of Wilmington and those are real costs that come along with this annexation.

Councilman Mead – Could we move along? I want to give everyone a second shot of going around the table and then we have other things to do tonight.

Councilman McKay – I agree that there are a lot of things we can't pinpoint. We can't pinpoint future development. We can't pinpoint how much cost might be associated with that road. Are we setting precedent? I don't think we really are. I think our precedent is that we have to be open to discussion on any kind of annexation situation. If this lasts fifteen years, that is not a very long time when you balance it against perpetuity, which is what will happen when the 15 years is over. I stay with my original thought that I would agree with this proposal.

Councilman Siebenaller – I will be more comfortable with it once I see the revised numbers.

Councilman Mead – As an engineer and a businessman, I have a real problem with the principle of the thing. If we make agreements and we don't honor those agreements, that is not a good thing. The problem was that we did make that agreement and we say we can change it any time we want to. What does that do to the other agreement? Does that

nullify it – does it nullify part of it? Does it change it? Do we have to renegotiate it? It's just the principle.

Councilman Wallace – I'm good with the fifteen years.

Councilman Stuckert – I think there should be a possibility that the county could help us come up with a figure on what they have spent to maintain that road – a counter and something to balance along with the report. I agree with Councilman Jaehnig – that's the immediate thing that is in front of us that we know is going to be a cost to the city. I don't want to be sitting somewhere down the road and looking back and saying how come we couldn't have thought of these things. I'm still open to get all of the information in and make the final decision, but I think the length of the agreement is critical. I'm torn between the 10 and the 15. I still am on the side of the 10 because it is the original agreement and because of all of the other things to be taken into consideration – the costs – and the fact that we represent our constituents. I want to make sure my vote is in their best interest, as Jim has to be concerned about his constituents. Can we get some information from the county on how much it costs to maintain that road?

Councilman Wells – I'm okay with the 15 years since the last five years are reduced numbers at the true value. I agree with Rob – I think there is potential to recoup what we would spend in time. I think we will develop as time goes on.

Councilman Jaehnig – I appreciate what the president has to say in terms of we have to consider our constituents. That's a two-fold thing. We have to consider how well we spend their money and what costs we're going to accrue for them. We also have to, as the Treasurer does, consider how well we invest their money. Again, I look at this as a good investment. I think the 15-year opportunity is a good investment. I think it's a good deal. It allows us to move forward. Is there risk? There is risk with any investment.

Service Director Reinsmith – Remember, the county is not giving away a dirt road. They are giving away a pretty nice roadway. The estimate for a road like that is about a million dollars a mile, so that's quite a bit of an upswing in your assets for the city, as well as the infrastructure this owner is going to put in – the buried sewer line and lift station, which is probably going to exceed over a hundred thousand dollars, which he is going to put in the ground and everything and turn around and give that to the city. So, we gained a little bit there too.

Bill Peelle – I believe in the meetings I've attended, it's pretty clear that both the township trustees and the city councilpersons are in agreement for the annexation. It is not the issue. Right now we are at an issue of years 11, 12, 13, 14 and 15. When we look at the dollars, that amounts to \$660. On our declining basis, I believe that's \$1650 that this council is considering giving up. I understand what Councilman Stuckert is saying about we have a certain cost to maintain the road, but \$1650 stands between getting the annexation and not getting it done. The point is, we're talking about pennies in terms of economics. We're talking about a principle of do we have an agreement that is set in stone such that if it is a good deal for the parties at one point in time, is it still a good deal. We don't know until each individual application comes in here. So, ten years with the DHL facility as large as it was, was very reasonable. Year 11, 12, 13, 14, and 15 as being proposed in this particular agreement of which the petitioners are not the parties but are subject to council and the township getting resolved in order to move forward on a system that the owners of mobile home park are going to pay for. They are paying for the sewer line all the way from Davids Drive out to Airborne Road and down to wherever it is necessary. They'll also be paying for the rest of the infrastructure that will allow the mobile home park to hook onto that sewer line and will pay the fees then that all the citizens do. So, there is a significant investment right there that the mobile home is putting in. They are not getting reimbursed for that. They didn't come in and ask for some sort of a sewer recapture rate for future users out on the other end of the line. That is a huge benefit. No matter the cost of maintaining what is now a county road and not a township road, the amount of money in year 11 through 15, \$1650, is negligible in maintaining that. So, we come to the point of, what is the reasonable thing to accomplish? There is a mandate and a time period – Paul has talked to everyone at the

EPA to make sure he knows those numbers in terms of the dates – it has to be done by early 2015. The engineers are indicating that they are supposed to have their work done by the next 30-60 days and move forward. The more the annexation process is delayed, the more the timetables become a little more difficult to complete. All I will say is, \$1650 is what is standing between getting this resolved. I understand the principle involved. The amount of money is not very much relative to the needs that are currently before this council and the likelihood of future development and significant job bases of 1% income tax would override the \$1650 that you are looking at in years 11-15.

Councilman Stuckert said that if the properties increase in value, it could be more than \$1650. We got to get our information to make the decision.

Councilman Mead – We're not set up to vote on it, so that is why we are having the discussion. Everything has been very peaceful and quiet. I don't think anyone has objection to the cost.

President Kirchner – Do any of the exemptions on these parcels fade during this agreement time?

Councilman Jaehnig – It will only be exempt if it stays in the hands of the Port Authority.

[Discussions of parcels and exemptions]

Councilman Mead – We are not prepared to vote today, but be prepared to vote at the earliest opportunity.

Mayor Riley said he thought the legislation had been prepared and was actually in the packets.

President Kirchner suggested that council get their questions answered and the language clarified.

Councilman Wells said that school buses and city residents use the road to get to their jobs. Even though it's a county road, many city residents use the road.

Councilman Mead suggested that the language that states that we will follow the same procedure in future annexations not be included.

Councilman Jaehnig – In regards to the engineers and timelines, our next regularly scheduled meeting is not until the first meeting in September. While we are not prepared to take a vote tonight, do we need to take action earlier than that?

Bill Peelle – The first Thursday in September will be fine. I ask that the council consider moving forward on that evening and suspend the rules if possible.

Mayor Riley noted that the council members want to see the Exhibit B as well.

Finance Committee - Chairperson Mead introduced the second reading on legislation declaring it necessary to light streets.

A motion was made by Mead and seconded by Jaehnig to give the second reading only on a resolution Declaring it Necessary to Light the Streets, Lanes, Alleys, Lands, Squares, and Public Places in the City of Wilmington, Ohio, with Electric Lights, and for Special Assessments to be Levied to Pay the Cost Thereof for the Year 2014.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Councilman Mead introduced legislation approving liens for delinquent utility bills, mowing and lot clean-up.

A motion was made by Mead and seconded by McKay to give the second reading only on a resolution Approving Liens Pursuant to §§729.49, 743.04 of the Ohio Revised Code and §§923.09, 929.03 and 1729.03 of the Codified Ordinances of the City of Wilmington.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Water Committee - Chairperson Wallace announced that they would be trying to get a Water Committee meeting set for early September.

Streets Committee - Chairperson McKay asked Service Director Reinsmith if there was a timeline on the bridge construction on South Street. He noticed that there have been a couple of accidents out on Bernice.

Service Director Reinsmith said they were scheduled to pour the deck the following day.

Solid Waste/Recycling - Chairperson Wells asked about the comparative fund balance sheets. He noticed that the waste fund went from \$708,000 to \$659,000 in one month and wondered why that happened.

Service Director Reinsmith suggested it was the \$100,000 that was paid on the note.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller introduced legislation adopting a City of Wilmington Revolving Loan Fund plan. He explained it was to update the language in UDAG so we can better promote development within the city. The plan was brought forward by Chris Schock and Treasurer Paul Fear.

Treasurer Paul Fear explained that the UDAG has been around since 1981. The mayor and Chris agreed to rework the process to better track the cash flow. We compiled from the SBA and the County Revolving Loan fund and bank underwriters. There is about \$500,000 in the UDAG fund with \$150,000 committed. A more formalized planning process is good.

Paul Hunter asked if there was a plan to collect on Quaker Apartments and if anyone knew what the balances are.

Councilman Siebenaller explained that the balances were reviewed in Judiciary Committee, and this will give us a better ability to determine amounts owed and collect more effectively.

A motion was made by Siebenaller and seconded by Stuckert to give the first reading only on a resolution Adopting a City of Wilmington Revolving Loan Fund (RLF) Plan. President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Siebenaller requested the second reading be on the agenda for the next meeting.

Councilman Siebenaller introduced legislation amending the codified ordinances in order to better define obligations of owners and developers of subdivisions. I don't think it's any secret that there have been issues with subdivisions not being completed. This goes to update our codes to try to protect the city in future developments.

A motion was made by Siebenaller and seconded by Mead to give the first reading only on the ordinance Amending Section 1123.02 of the Codified Ordinances of the City of Wilmington, Obligations of Owners/Developers.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Siebenaller requested that the second reading be on the Agenda for the next meeting.

Safety Committee - Chairperson Wells introduced legislation accepting grant proceeds for the Police Department. He asked if Chief Weyand had any issue with this since it did not go through Safety Committee.

Weyand said he was fine with the legislation since the item mentioned was sitting in the garage already.

Councilman Wells explained that it was a medication drop box.

Councilman Jaehnig asked what we do with the medication once it is in the box.

Chief Weyand explained that since the institution of medication disposal days, people have started bringing their medication to the police station all the time. It gives the police a way to store them securely in between the disposals.

President Kirchner asked where it would be located.

Chief Weyand said it would be near dispatch.

Mayor Riley explained that the wastewater treatment plant has a horrible time with people flushing medications down the toilet. We do not want anybody flushing medications. If you have medication they need to get rid of, regardless of what it is, we now have a place for them to get rid of it.

Chief Weyand explained that the city has contracts with a couple of places that incinerate the medication.

Councilman McKay – Is that something we maybe should do a little publicity on?

Chief Weyand – We will as soon as it is completely ready. One of the requirements of the grant is to put labels on it because we don't accept liquids or needles. I want to put it on our cable TV channel as well.

A motion was made by Wells and seconded by McKay to give the first reading only on a resolution Accepting Grant Proceeds for the Police Department from the National Association of Drug Diversion Investigators, Inc.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law 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: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, 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: Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. 2332 passed as read.

Downtown Revitalization Committee - Chairperson McKay said that Austin's Casual Eatery and Bar, with or without liquor, is supposed to open on September 2. There will be a Third Friday Event on August 16 in the Mural Parking Lot.

Parks and Recreation Committee – Chairperson Jaehnig had no report.

Income and Levy Tax Committee – Chairperson Jaehnig had no report.

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Wells and seconded by Stuckert that the Auditor-Treasurer Report – July 2013, and Hotel Lodging Tax Report – 2nd Quarter 2013, be accepted as presented.

Motion passed.

Reports accepted as presented.

President Kirchner opened the meeting up to the general public and/or members of council to address council while in session.

Councilman Wells said that Samantha Ahrman was in the audience and he wanted to thank her. He sent her an email about a light that was out on Meadow Ridge Circle. She immediately got the work order in and they got it fixed in about five days.

Councilman Siebenaller announced that there would be a Judiciary Committee meeting on Thursday, August 22, at 5:30 p.m.

President Kirchner asked if anyone else 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 Jaehnig to adjourn.

President declared the meeting adjourned.

Council adjourned.

ATTEST:

President of Council

Clerk