

Wilmington City Council met on Friday, January 2, with President Fred Ertel presiding.

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

Asst. Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Jaehnig and seconded by McKay to approve the minutes of the last regular meeting, December 18, 2008, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Before you, also you have the new council committees. I believe I have talked to everyone via cell phone on this. As you can see, there are a few changes. For example, on Judicial today, Mark will still be presenting those, and then at the next meeting Leilani will take care of that. I want to thank everyone for all of their hard work in 2008, and we look forward to a great 2009. Let's see, the Mayor is not here, so let's go into Asset, Acquisition and Use committee report.

Asset, Acquisition and Use – Chairperson Sandy Mongold: No report.

President Ertel: Thank you. Mr. Auditor?

Auditor – David Hollingsworth: Nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: No report.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have no legislation, just a reminder that there is a meeting on Wednesday, January 7, at 5:30.

President Ertel: Okay.

Councilwoman Peterson: And the agenda has been published for that.

President Ertel: Okay. That is in the Mayor's conference room?

Councilwoman Peterson: It is. And that is all.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Okay. Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report.

President Ertel: Thank you. Judiciary Committee.

Judiciary Committee: Chairman Mark McKay: We do have a couple of items tonight, Mr. President.

President Ertel: Thank you.

Councilman Mark McKay: And as I guess my last official chair of this committee, it has been enjoyable. I will continue on the committee mentoring our new chair, as she sees fit. The first item is a resolution authorizing participation in ODOT's Cooperative Purchasing Program for this year. Does anyone have a question or comment about this?

A motion was made by McKay and seconded by Mongold to give the first reading only on the resolution Authorizing Participation in the Ohio Department of Transportation Cooperative Purchasing Program.

Motion passed.

In the absence of the Law Director, Jason Besser read the resolution by title only.

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

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

In the absence of the Law Director, Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2113 passed as read.

Councilman McKay: The second item is the resolution authorizing the mayor to enter into a contract with the Public Defender's Office. There are no changes in this. This is for representation of indigent persons in the courts. Are there any questions?

A motion was made by McKay and seconded by Popp to give the first reading only on the resolution Authorizing the Mayor to Enter into a Contract with the Public Defender's Office for the Provision of Legal Representation for Indigent Persons.

Motion passed.

In the absence of the Law Director, Jason Besser read the resolution by title only.

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

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

In the absence of the Law Director, Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2114 passed as read.

Councilman McKay: That is all I have, Mr. President.

President Ertel: Thank you very much. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: There is no report, Mr. President.

President Ertel: Okay, Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp: No report, Mr. President.

President Ertel: Thank you. Parks and Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace – We have one item on the agenda this evening. As we all know, the ongoing tennis court project, which really looks great out there if we ever get [inaudible for transcription]. We do need to finalize

the agreement between the city schools and the City for various times [inaudible for transcription] for that. Are there any questions?

A motion was made by Wallace and seconded by Peterson to give the first reading only on the resolution Authorizing the Mayor to Enter into an Agreement with the Wilmington City Schools Board for the Use of Tennis Courts.

Motion passed.

In the absence of the Law Director, Jason Besser read the resolution by title only.

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

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

In the absence of the Law Director, Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2115 passed as read.

Councilman Wallace: That is all I have, Mr. President.

President Ertel: Thank you, Mike. Okay, at this time, Service Director?

Service Director- Service Director Larry Reinsmith: No snow. No report.

President Ertel: Hey! Very good, very good. Do we still have salt?

Service Director Reinsmith: Yes. We haven't really used much. I bet you haven't noticed that.

President Ertel: I have noticed that. Yes, I have.

Service Director Reinsmith: I mean, we've had to use a little bit. We had that policy about not hitting ... and sure...everybody has a special problem in front of their house, you know. It's tough to say no. So far, we have been kind of lucky, too with some near misses on some of this weather. That way, we can keep on going.

President Ertel: Very good. Safety Director?

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

President Ertel: Thank you. Let's see. I did not see any other reports in front of us tonight. At this time, before I open it up to the general public, I did find, while I was digging here, a Notice to Legislative Authority. We have the notice here from the Ohio Division of Liquor Control of transfer from AFM 29061, Inc, which is Richard D. Nelson Trustee, d.b.a. Ameristop Food Mart 29061; 1089 W. Locust Street; Wilmington, Ohio; to Yamuna Ltd. d.b.a. Shop and Go; 1089 W. Locust Street; Wilmington, Ohio. This is going to be on file in the office of the Clerk of Council.

Councilman Wells: Is that the same store?

Councilman Jaehnig: Yes. It is the same store. They changed owners.

Jason Besser: They just changed owners.

President Ertel: Yamuna LTD.

Jason Besser: They are out of Columbus.

President Ertel: Very good. Now we can open it up to the public. Anyone wishing to address council while in session, please come forward and state your name and address for the record please.

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in regular session on Thursday, January 15, 2009 with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, January 15, 2009 meeting of Wilmington City Council to order, please.

The Pledge of Allegiance was given.

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

Assistant Chief Weyand was also present.

A motion was made by Jaehnig and seconded by McKay to approve the minutes of the last regular meeting as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: That completes my portion of the agenda. Mr. Mayor.

Mayor Raizk: In consultation with the Law Director, since the State of the City is not actually on the agenda I don't have to give it. I wish you had told me that so we wouldn't have to work on it. But it is our traditional time for the State of the City and I will give the State of the City.

Mr. President, Members of Council, Distinguished Elected and Appointed Officials, and Fellow Citizens:

This is my 10th State of the City report and it is unlike any other. In years past, we have enumerated the accomplishments of the past year, set out bold agendas for the coming year, and visioned about our community in various ways. Not this year. The events of the past year have delivered their own terrible message and there is little I can do to embellish or spin that message. We are left to reflect on 2008 and glean whatever knowledge and insight we can. As we review 2008, it is with a profound sense of loss. The loss of so many jobs, certainly, but also the loss of so many illusions about our economic security, the sense that no matter what happens we will never quite be the same again. We feel much as we felt after 9/11, though our losses are not of life and limb, our sense of security has been shaken to the core.

One loss we suffered in 2008 is irreplaceable. In November, former Mayor Dale Minton left us. His story is well known to many: Army veteran, captured during the Battle of the Bulge, POW, survivor, family man, local businessman, public servant. A member of the "Greatest Generation," Dale was the perfect example of the citizen soldier; he served his country, his family, and he served his community. During most of my formative years, he was "Mr. Mayor." I honor Dale Minton, not just for his accomplishments, but for his spirit. It is this spirit, the "I may be down, but I'm not out" spirit, the "I'll take everything you can throw at me" spirit, the "Give me all your lemons and I'll make lemonade" spirit that will turn tragedy into triumph as we face our current challenges. Whenever your resolve weakens, just think about Dale Minton. I do.

In the past, I have mused on these pages about the character of our community. It is no longer a question. I have seen a community come together, whatever our political, social or economic differences, and meet every challenge. I couldn't be more proud to be the mayor of such a community. Each and every one of you have made such a difference. I salute you. Your spirit is alive and well, Dale.

By the efforts of so many people, I am able to once again say that the state of the city is safe, secure, and financially sound! There are so many people to thank this year, but at the top of the list are the employees of the City of Wilmington. These dedicated public servants willingly chose to forego their cost of living increase to help ensure our fiscal health. My thanks to each and every one of you.

I wish to thank all of the city council, the auditor, treasurer, law director, service director and safety director for stepping up and taking leadership roles, especially when demands were made on the administration's time and resources. I wish to thank the Clinton County Commissioners, especially Randy Riley, for their steadfast support, tireless effort and leadership in our present crisis.

I also want to single out two people for special thanks . . . Pauline Buckley, my administrative assistant, has been a rock to cling to in these difficult days. Not only has she handled her normal workload, but also the huge volume of emails, phone calls, media interviews, meetings, etc. with her usual professionalism and a smile on her face. Pauline, you make the impossible seem customary and I thank you. . . Laura Curliss, my executive assistant, is a wonder. Her outstanding organizational skills and her unique talents have made it possible for me to be in two places at once. I can think of no higher praise than that. Her ability to interface with senators, governors, and congressmen, and get them to call us is unique. On top of all of this, she has managed the work of the Economic Task Force since day one. Laura, I can't thank you enough as a friend and colleague.

Finally, I would like to thank Senators Sherrod Brown and George Voinovich, Congressman Mike Turner, and Governor Ted Strickland for their commitment and unwavering support to our community. I would especially like to recognize Lt. Governor Lee Fisher for his leadership and encouragement as he walked with us every step of the way. The bipartisan cooperation of these men and many others has made us all proud to be Ohioans.

At this point, I usually lay out an agenda for the coming year, but circumstances beyond our control are now dictating our agenda. We need to create jobs for our citizens and make sure we have enough resources to take care of our friends and neighbors.

We need control of the Wilmington Air Park to facilitate the creation of those jobs. We have many great assets in our community, too many to list here. But our greatest asset is our hardworking, caring, committed people who come together in times of crisis and have the community spirit to fight back . . . the same spirit that Dale Minton had. I don't know what the future is going to look like. But I know this; because of the spirit of this community, we will succeed and our success will not only be because of what we do, but because of who we are.

Thank you all very much.

President of Council-Fred Ertel: Thank you Mr. Mayor.

Mayor Raizk: I do have another announcement, if I might while I still have this. We received notice on January 8 that our PTI for the landfill has been approved and we will actually receive that on January 25 or thereabouts so, we have already been communicated by the State Department of the EPA that we won't have to move our trash. We will be able to continue. I just wanted to bring you up to date on that. You have seen this flyer, this is sponsored I believe by the Chamber of Commerce, and there is a benefit concert on January 17 which is Saturday night, 6:30 pm at the Roberts Centre and tickets are \$35.00 and this money is called Taking Care if Business and this money is going to be used to help assistance in our area.

President of Council – Fred Ertel: Thank you Mr. Mayor. Committee Reports.

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

President of Council-Fred Ertel. No Auditor.

Auditor-David Hollingsworth: Absent –No report.

Finance Committee-Chairperson Mongold: No report, Mr. President.

Water Committee-Committee Chair Wallace: No report, Mr. President.

Streets Committee-Committee Chair Peterson – We have four items. The first item is legislation changing the traffic control map. Primarily this is the downtown parking map making a few changes. One is primarily we are defining four and two-hour parking spaces. There was some confusion (inaudible). Also, we are adding two 15-minute parking spaces by the city building to enable citizens to pay their water bill and utilities and not have to park at a long distance and walk. Any questions?

A motion was made by Peterson and seconded by Wallace to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Adopt a Revised Downtown Parking Plan.

Motion passed.

Director of Law read the ordinance by title only.

Committee Chair Peterson requested that second reading only be on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: The next item is an ordinance; we are going to change the map so that we will have no parking on the north side of Hawley Avenue. For those of you that were not at the streets committee meeting, that is very tight on Hawley Avenue. In fact, I guess it is actually impossible to get emergency vehicles down that street. We would like to remove the parking on the north side of the street. Any questions?

A motion was made by Peterson and seconded by Wallace to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Provide for a “No Parking” Zone on the North Side of Hawley Avenue.

Motion passed.

Director of Law read the ordinance by title only.

Committee Chair Peterson requested that second reading only be on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: The third item is, presently you can make a right turn on red from Main Street to South Street. We have had a number of near misses and actually a pedestrian accident there, pedestrian/vehicle accident. Vehicles are looking to the left when making a right turn on red. We want to remove the right turn on red there; it’s going to make it a lot safer. Any questions?

A motion was made by Peterson and seconded by Jaehnig to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Prohibit a Right Turn on Red From Main to South Street.

Motion passed.

Director of Law read the ordinance by title only.

Committee Chair Peterson: The committee was very concerned about this so we would like a second and third reading on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: The final item is an ordinance naming the annexed area at 22 & 3 Rombach Avenue. It is currently named 22 & 3 and it should be Rombach Avenue. Any questions?

A motion was made by Peterson and seconded by Wells to give the first reading only on the ordinance Naming that Section of S.R. 22/3 that Extends for 2600 Linear Feet, More or Less, Westward from the Current Municipal Corporation Line on S.R. 22/3 “Rombach Avenue”.

Motion passed

Director of Law read the ordinance by title only.

Committee Chair Peterson requested that the second reading only be on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: Just an announcement, we do have a committee meeting on February 11 at 5:30 PM.

Councilmember Mongold: Did you get my message about (inaudible)

Committee Chair Peterson: That agenda item we deferred to the next, we did discuss and we didn't have enough information. I wanted to follow up with you. There was some miscommunication and we all had a different view of what you had asked to be added to the agenda. The map that we were looking at didn't, in my mind, match what we were discussing so we wanted to step back and

President of Council-Fred Ertel: Solid Waste/Recycling Committee.

Solid Waste/Recycling Committee-Committee Chair Wells - No report, Mr. President.

President of Council – Fred Ertel: Thank you. Wastewater /Sewer Committee.

Wastewater/Sewer Committee- Committee Chair McKay: No report, Mr. President.

President of Council – Fred Ertel: Thank you.

President of Council – Fred Ertel: Judiciary Committee, please.

Judiciary Committee-Committee Chair Popp: We have one item. We have the first reading on an ordinance Amending Ordinance No. 4794 Establishing Classification and Salary Ranges, Repealing Ordinances and Parts of Ordinances in Conflict Herewith and Declaring an Emergency. You have a letter at your place and (inaudible) that gives a little more explanation on this. Are there any questions?

A motion was made by Popp and seconded by Peterson to give the first reading only on the ordinance Amending Ordinance No. 4794 Establishing Classification and Salary Ranges for Certain City Employees, Repealing Ordinances and Parts of Ordinances in Conflict Herewith and Declaring an Emergency.

Motion passed.

Director of Law read the ordinance by title only.

Committee Chair Popp requested that second and third reading be on the agenda for the next meeting.

Judiciary Committee – Committee Chair Popp: Also, we have a committee meeting on January 28 at 5:30 pm.

President of Council – Fred Ertel: Safety Committee.

Safety Committee – Committee Chair Jaehnig: No report, Mr. President.

Downtown Revitalization Committee – Convener Popp: No report, Mr. President.

President of Council – Fred Ertel: Parks and Recreation Committee.

Parks and Recreation Committee-Committee Chair Wallace – No report, Mr. President.

President of Council – Fred Ertel: Are the ski slopes open?

President of Council – Fred Ertel: Service Director.

Service Director – Larry Reinsmith: Absent, no report.

President of Council-Fred Ertel: Safety Director.

Safety Director – Nick Babb: Thank you Mr. President, just a couple of things. I want to thank Chiefs Hatten and Mason for their reports. I urge council to look at what your safety departments have been up to the past year. I am sure you will. A few days ago, we had a very serious house fire on South Walnut Street and I would like to recognize five of our public safety officers this evening. When the call came in Wilmington PD Officers Corey Pratt and Shari Hall arrived on the scene within a few seconds of the call and found the house pretty much fully engulfed with a person inside. They were able to see the person inside the house, but they couldn't get to him. Shortly thereafter, Firefighters Pat McCall, Richard Birt and Lt. John Walker arrived on the scene in the first engine and before they did anything they went in and got this man out with the assistance of Officers Pratt and Hall. The gentleman is still alive, he's in very, very critical condition, but he did survive and I just wanted tonight to recognize these people who put their lives on the line the other day for this individual. Sometimes we don't realize the training dollars that we ask for is a lot of money for police and fire and this is why we do that. These folks do a good job and I wanted to recognize them. Also, I want to recognize Dayton Power and Light for their excellent response. We called them and of course we had the house on fire, the electric wires were, the house was still energized and Dayton Power and Light got on there in just a very few short minutes. Please pass my thanks on to your crews, outstanding job. That's all I have. Does anybody have any questions for me?

President of Council-Fred Ertel: Thank you. Before you, you have a number of reports let us skip down to E, which would be Geoffrey's Annual Income Tax Receipt Summary.

Treasurer-Geoffrey Phillips: You have about six reports before you tonight; the last three items are from the Tax Commissioner. The first three are from the Treasurer and the President said we will take you to the Income Tax Report first, calling attention to our first ever \$6 million collection year in income tax. Income tax collections for the city were \$6,029,497.39 that is about a \$1.5 million dollar increase over 2007 collections of \$4.5. You will notice at the bottom of the report that we are projecting fall off for 2009 in the number that we gave in consultation with the Mayor and the Auditor for the 2009 budget. We are projecting \$4.75 million with the unfortunate exodus of significant jobs from the airpark. But we do want you to be aware that we did cross the \$6 million dollar level in what we expect to be the retraction of that dollar collection in 2009. The first three reports that I brought to your attention are from the treasurer and in my summary of our interest earnings, we had almost not quite 3/4 of a million dollars in interest earnings, which is a very strong year in the last 27 years of our focus in that program, this is the fifth highest tally in that 27-year period. Unfortunately, in the middle of that, I give you a word of caution, most of you have particular investments, and you follow interest rates, the shock to many government entities across the country we're about 1/4 of where we were 12 months ago. We had a CD for the city last week that came due at nearly 4% and one of our local banks, the first bank to quote quoted a rate of less than 1% for twelve months. So a word of caution to the finance committee as we look as general fund items, it's not just going to be income tax, but it is going to be a second of our major potential sources of revenue and interest earnings will be down significantly in 2009. Any questions that your have?

(Could not distinguish which councilmember was speaking): I have one question, on the report when you said we had collected \$6 million dollars, refresh my memory as refunds. Because we have \$6 million we show refund \$59, 229.

Treasurer-Geoffrey Phillips: We had, our net collections were 5.9, a variety of individuals and businesses

Councilmember ?: Are they overpaid and refunded taxes?

Treasurer – Geoffrey Phillips: Correct. Our practice is, if we receive a check at the city made out to the Income Tax Department we deposit it. If you call and say oops we didn't mean for you to get that and occasionally we'll get checks that belong to Wilmington, Delaware, but somebody in a payroll department somewhere in the country sent it to Wilmington, Ohio. We deposit it. We've already had one business request a significant refund for 2009 and we will be back before you in a few weeks to increase our refund allowance for 2009. But that's money, in the case of that refund that we have

had invested. And all that money has been invested up to you justify that it's due back to you. Does that answer your question?

Paul Hunter - I have a question. To hold harmless on personal property, does that end in 09? Other words the money we are getting in lieu of personal property taxes, its going to expire in 2010 or

Mayor Raizk: I think you are referring to the cap tax.

Treasurer - Geoffrey Phillips: Are you referring

Paul Hunter: The personal property tax.

Treasurer - Geoffrey Phillips: Personal property tax

Mayor Raizk: Not the

Treasurer - Geoffrey Phillips: Personal property will affect us to some degree, but will affect the schools much more significantly than it affects us.

Paul Hunter: Its several thousands of dollars.

Treasurer - Geoffrey Phillips: I don't recall the exact amount, but it's minimal compared to the residential property -commercial property tax. The personal property is significantly less.

Paul Hunter: We don't know.

Treasurer - Geoffrey Phillips: No, and the estimates that most governments are being given from the State of Ohio is revenue sharing from the state is going to be down, too. Any other questions? Thank you very much.

President of Council - Fred Ertel: Thank you very much, Mr. Treasurer.

A motion was made by McKay and seconded by Peterson to accept the reports.
Motion passed.
Reports accepted as presented.

President of Council- Fred Ertel: At this time, I would like to open it up to the general public and/or council to address council while in session. If you would, please come to the podium, state you name and address for the record. Seeing no takers, do I have a motion for adjournment?

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

ATTEST:

President of Council

Clerk

Wilmington City Council met in regular session on Thursday, February 5, 2009, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, January 15, 2009 meeting of Wilmington City Council to order, please.

The Pledge of Allegiance was given.

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

Assistant Chief Weyand was also present.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the last regular meeting as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: I would just like to mention here something from Nancy Ehas. During January-February, the library accepted non-perishable food on a sliding scale to pay overdue fines. This did not include lost or damaged materials. The purpose of this program is to clear up our patrons' accounts so they can check out library materials again while at the same time contributing to the community. We delivered 61 boxes of food collected at the main library for the food pantries in town. All food collected at the Clinton Massie branch went to the food pantry in Clarksville, which was 14 boxes. Several people brought more food than was needed to clear their account. Many brought food even though they had no fines. This is just a wonderful thing of how our community responds. It is a tremendous thing for the Wilmington Public Library also and all of the food pantries. I just wanted to mention that. At this point, I would like to introduce Ohio EPA Source Water Assessment and Protection Planning Process that's going to be presented very happily by Barb Lubberger and Linda Merchant-Masonbrink. I believe Linda is right here at the table ready to run the controls.

Linda Merchant-Masonbrink: I am really glad to be here tonight to share with you a few thoughts about the source of our protection planning process. My presentation is about seven to ten minutes long, so I am going to get right to it here. If there are questions, they'll probably be at the end of the presentation. So, you might ask, "What is source water protection?" That is what we are going to cover here briefly. What is the drinking water protection plan and what is the benefit of this plan to local drinking water source protection? Also, I will be mentioning to you something we'll be asking of you at the end. In the meantime, here are a couple of questions for you. First of all, are you aware of what the cost of treating contaminated water that comes to the intake? I have a couple of examples here. For instance, the Village of Monroeville – it had its exceedances of the MCL's (Maximum Contaminant Levels) for nitrate and atrazine from the Huron River. This was a regular occurrence -- something they had to deal with -- so they had to construct an up-ground reservoir in the year 2000 for \$2.6 million dollars. Maybe some of you could have heard about Walkerton, Ontario: 200,300 people became ill and there were seven fatalities because of E. coli that got into their drinking water system after a heavy rain, so they weren't prepared for this. Also, do you know what kind of potential contaminate sources are above your drinking water intake that could potentially affect your drinking water? Do you know what quantities of chemicals there are above your intake and the toxicity of those chemicals? Do you know if the people that handle those chemicals can respond quickly to a spill? Do you know that whether they would be knowledgeable enough to know if they even have a public water supply downstream of the spill and if they would even notify them? These are some questions that need to be asked because very severe consequences can occur. Do you know if the public water supply contingency plan deals with a water source that becomes unusable for multiple different reasons? Does the contingency plan address this? Has it been decided how the city will pay for these problems that arise in the drinking water?

For instance, in 1994 there was an ethylene dibromide spill on the Ohio River in

Belpre, and it took many weeks (they had emergency water delivery there and it was very expensive) – many weeks to get out of the emergency mode. This type of event was not in their contingency plan. It took them by surprise. It was very expensive to treat. Do you also know what the water supplier would do if they got infected by cryptosporidium? It is a very virulent type of organism. It causes very similar reactions such as E. coli. Everybody seems to know the major gastroenteritis that occurs with E. coli. Similarly with cryptosporidium, but cryptosporidium actually is very difficult to treat in your water supply; it's very difficult. The thing is that you want to be preventing that from actually getting to your intake in the first place. Also, taste and odor problems. Akron has a horrible problem with that. They had to spend a lot of money to deal with taste and odor problems that were resulting from algae blooms that were a direct result of organic material, nitrates and phosphorus, in their water supply. They had to spend money on a hundred tons of carbon to treat this problem (it's very expensive), when normally they only put 20 tons of carbon. So there is a huge big increase to treat water once it contaminated.

When the quality of your source water is impacted by up stream events, is there an effective communication network? Does your water supply communicate with other water supplies? Sometimes events can happen in very, very remote locations: such as the Ohio River, 600 miles upstream from Louisville, there was a spill on the Monongahela River. 700,000 gallons of diesel was spilled up there and they could detect it in the intake influent 600 miles away. Even remote impacts can affect your water quality.

There are different ways of addressing this. Some of things we talk about: source of protection planning and industrial water sheds are different things, such as putting up educational signage, using some overlay zoning, and also coordinating better communication. In agricultural watersheds, it is very expensive to treat nitrates and also it is difficult to monitor for pesticides. Sediment and algae clog filters, and algae and organic matter causes THM's (trihalomethanes), which are carcinogenic byproducts of chlorination of organic material that get into the water and that includes algae. So we want to prevent those types of algae blooms so we don't have to deal with that at the plant. I mentioned to you microorganisms such as cryptosporidium. They are expensive to treat.

So what we do through this process is we identify the threats to your source water. The Ohio EPA, in conjunction with your water supply, has identified pollutant sources that are in the watershed that drains to your intake. That work has been done. Then as part of the next phase, the planning phase, we talk about strategies to moderate these threats. We identify partners to work together to come up with a solution to deal with these kinds of issues before they become either major health problems for your community or a very expensive way to treat. So the SWAP Program (which is the same thing as the Source Water Protection Planning Program)...when we endorse the plan that is developed by the community in conjunction with their partners (which includes us), a planning document protecting your community's source of drinking water is produced, and the immediate watershed, including the waters of Caesars Creek and the city reservoir, are addressed.

Valuable information for other environmental planning programs is also produced from this process, and a tool for implementing these strategies, such as zoning, riparian area protection, and monitoring the possible contaminant site, is developed. The priority for infrastructure loans is actually improved if one of these plans is done.

So when you have an endorsed SWAP plan, which our agency would endorse, basically you have had this plan that can be used and passed down to the next public water supply operator or anybody else who works in the plant. It's all written down, they know what they are going to do in an emergency, they know how they are going to do their outreach, and so it is a very valuable piece of information that would stay at the plant and be used throughout the years. Also there would be improved grant eligibility. The savings to your water department by reducing the use of chemicals and other treatments if contaminants are successfully prevented from entering surface water would probably be a big interest of yours. Everybody is interested in saving money.

One might ask, "Is this a requirement? Is the state requiring you to do this?" This (the SWAP plan) is not a requirement for surface water systems, at this point. However, by 2010, a public water system using ground water will need to create or update their source water protection plan if they want to install a new well and for those wells that serve over 250 people. So it is already starting in the ground water as a regulatory requirement. It is not required right now for surface water, but it may be down the road. But we are offering is our partnership at this point in time to get these plans started right now, integrate them in with other processes, and then down the road it will be a lot easier.

Not only could it eventually save you some money in the long-run for minimizing treatment, but it is also safer for your city. So really, success is measured by the cost of failure. As I was mentioning to you before, there are a lot of opportunities for failure. We know those are very expensive, so the benefit here is trying to prevent those problems in the first place. You would be looking at the additional costs of treatment. Another cost is the cost of remediating a disaster, which although maybe fairly rare, if it does happen, it is hard to predict. It is very expensive, both in human lives and also for your economy.

But you might be surprised to know that this whole process actually doesn't have to be a very expensive process. In fact, most of this process can be very, very economical. Source water protection tends to be focused on education and coordination-type activities. The costs are mostly time spent by the planners and the implementers of the process. We really encourage people to bring in volunteers to help implement the process. The City of Wilmington has done a lot of this work already. Actually, Jerry Rowlands, thank you very much to Jerry for doing that, is attending the workshops that we are conducting here and he has worked with our agency in mapping these (you see the map points on the in the protection areas, all the businesses in this area) -- but this is just an example. Also, developing strategies doesn't have to add cost to city budget, I know that is important for you to hear.

Many of the strategies are funded by farm conservation practices such as you see on the slide here. Clean Ohio Funds, WRRSP and other funds and community partners, can also assist. Zoning and other strategies can also help the implementation process. While zoning is not expensive, but you have to invest in some time in it, but it can have a major impact on source water protection.

Your Fire Chief is already involved but you may need to involve other jurisdictions in developing a contingency plan for serious threats so you, the team that involves your public water supply operator and your planner will probably try to tie in some people from Greene County because what happens in Greene County is going to affect you here. The general timeline here...we're getting to the point here of what we are asking of you. We encourage all the teams that we are talking to across the state to talk to their city councils and ask them for a resolution of intent to support the Source Water Protection Planning Process. In your folders here...Laura, did you put that in the folder?... is an example of a resolution. If you look in your packet, there is an example of a Source Water Protection Policy, a resolution of council that will give you some idea of what can be done. That is really an important component of all this: to make sure that, first of all, council understands why this process is necessary, why it is important, and that is really isn't cost much to develop a partnership with the Ohio EPA. We are here to help you. We want to get it done so we can protect your population that's drinking the water down here as well as to minimize your cost. So, that will be the very first thing we ask that you do.

Then the team is formed with the public water supply and the planner that is going to be leading this process. It would be good have a member of council on that, and right now they're busy forming their team. Then they will be developing a plan and an outline and it will probably take one to two years to do this. Once we get it, it will probably take two months or so back and forth just to make sure we have it finalized before we endorse it.

So, the big picture here is basically water is going to be the oil of the 21st century. You may have heard that quote before, but you know it is true. It is coming. Water is an

important commodity and we need to be very careful how we manage that resource. So, hopefully, I stayed within my time restriction. Did you have any questions?

Director of Public Service-Larry Reinsmith: I've got a question. You know we have two water sources; however, we have a big water source that the EPA just issued a PTI and allowed contamination of our water source upstream. I think Caesars Creek...is that right?...

Linda Merchant-Masonbrink: Well, I'm aware.... I'm not involved with the permitting; however, I am aware of that particular project, and that project did get a permit with certain restrictions on it in order to protect the quality of that water.

Director of Public Service-Larry Reinsmith: I've been talking to Jerry and he tells me that (inaudible for transcription). This is going to cost us more money, at different times to treat – because of contaminants.

Linda Merchant-Masonbrink: If they are fighting contaminants that are reaching the intake that are a direct result of that particular facility, then our agency needs to know about it. Because you know, there would be changes to the permit to address it. But, from what I understand, when the application came through, the information presented in it that, after the review by our permit staff, they determined that the discharge would not degrade the use and that was why it was authorized. They were aware that there is a drinking water intake downstream. But, you know a stream, lake, has a certain amount of capacity to absorb contaminants. And that is what they do. They model this to determine how much actually can get into the water before there is a problem.

Director of Public Service - Larry Reinsmith: That's true. However, we have a lot of uncontrollable discharges that we have to fight. So we when have one here that we could control, why do we do these things?

Linda Merchant-Masonbrink: You know it is controlled by permit. You know if we didn't have a permitting process, they would be discharging just whatever they wanted to, whatever concentration they wanted to. But the permit itself is the control. There are other types of sources are things that need to be other ways if they do not require permits.

Director of Public Service – Larry Reinsmith: Those are hard to do.

Linda Merchant-Masonbrink: Yes, through this whole process we present different ideas of how to approach that. And that is one of the reasons why we feel this process is important: because it is not well understood in how these other things that seem like are impossible to control, the kinds of approaches that can be taken to minimize those impacts. So, that is part of the whole process.

Mayor Raizk: Linda, one of the problems that we have...you mentioned about zoning and using that... but we do not have the authority to zone where our water comes from because it is in another county. We're two counties actually. So, how do we approach that scenario? Does the EPA help us approach that scenario?

Linda Merchant-Masonbrink: Yes.

Mayor Raizk: We can control the zoning at our local, with the Cowan Creek, filling our old reservoirs, but in Caesars Creek (getting to what Larry was talking about and the riparian corridors around there), we don't really have any legislative or municipal authority.

Linda Merchant-Masonbrink: That's where the beauty of this team comes in. You know, we don't want to have one person develop this plan. We don't want the Ohio EPA to do it either because we are remote. You live here. You know who you can talk with...you know who you can work with. So that's why this process has to be initiated from you guys. Also, it means, as I mentioned earlier, that Greene County really ought to get involved with this. People from Greene County should be on the team and be in this whole process and to evaluate any other potential zoning from that county. Zoning may not be the best solution.

Mayor Raizk: No, and I don't know that it is, but I also know that if the EPA doesn't require folks from other counties to be part of this team, they are not going to join because somebody in Clinton County says, "We need your help." That doesn't happen.

Linda Merchant-Masonbrink: That is one reason why we need to have local people writing this because . . .

Mayor Raizk: Well, I understand that, but read my lips, "It does not happen." Everybody gets very parochial and we've been through that before in the county on the very water source we are talking about. Unless an agency that has multijurisdictional control, such as the EPA, requires those people to participate, we'll still be having this discussion two years from now.

I think what you are doing is very good. I think it is important and I think we need to pursue this with everything that we can. There are some political realities involved here. That they are not...If we ask Warren County and Greene County to become involved and to do certain things, that's just not going to really happen in that way without some kind of lever from the EPA to require that.

Linda Merchant-Masonbrink: Well zoning is just one tool in the toolbox; it's not the only one. . .

Mayor Raizk: No but I'm saying...

Linda Merchant-Masonbrink: It would be beneficial...but I'm saying the reality of the situation we would probably be shifting focus to something else that can be done locally. Now, education and outreach is something that could be initiated. It is very inexpensive...pretty cheap really...in fact, we have most of all the tools that could be taken off the website and used... just put in your hand. So, you know, maybe more of the focus would go on that kind of a thing instead of you thinking about...

Mayor Raizk: And I do want to touch back once more on what Service Director Reinsmith said about the issuance of the PTI upstream of our water supply. The City of Wilmington did object and issued their concerns about it. Other than doing that...it was never addressed to us anything other than that. I assume you are aware that we did issue that.

Linda Merchant-Masonbrink: I am aware of that, but since I'm not...

Mayor Raizk: I understand. I'm not asking you to talk about stuff you don't have a hand in and...

Linda Merchant-Masonbrink: I know. I just want you to understand...

Mayor Raizk: But you understand our concerns. We're talking about source water protection, and we had a very specific issue that is really in the wheelhouse of source water protection. We are quite concerned about that.

Linda Merchant-Masonbrink: I do understand that. I understand why you are concerned, I do. It is better to have a permitted facility than an unpermitted facility that is discharging and there's no regulatory control. I think if we can focus on the things that we know can be controlled locally and that are permitted activities. Because those are (inaudible for transcription) That's where your power is. There are plenty of things that you can do and you have within your own control. That is where we want the team to focus on.

President of Council – Fred Ertel: Can I ask a question?

Linda Merchant-Masonbrink: Sure.

President of Council – Fred Ertel: If we go through the effort of coming up with this plan, does this plan have any peak to it? Would it prevent the recent, what Larry talked about with the PTI upstream?

Linda Merchant-Masonbrink: Well, it depends what you want to prevent. Again, local zoning of it on this side...

President of Council – Fred Ertel: No, no, no, I'm talking about Caesars Creek, the PTI that was done that could jeopardize the quality of water at our intake. If we had this plan, will it be beneficial for us in going up against the people going for these PTI's that are not beneficial to Wilmington.

Linda Merchant-Masonbrink: That's kind of hard to answer because it is sort of hypothetical.

President Ertel: It's not hypothetical.

Councilman Jaehnig: I don't believe it is hypothetical at all. My concern is that if we go ahead and we do these things that we should do, yet the EPA is not holding our backs and approving things that are not strict enough to protect our own water, then what else are we supposed to do. I mean, you are our protection. That is, in part, one of the reasons for the EPA.

Linda Merchant-Masonbrink: I didn't really know why you thought that the restrictions placed on the permit would cause a problem with the intake.

Councilman Jaehnig: We didn't think the restrictions were strict enough.

Linda Merchant-Masonbrink: Was there some specific reason why you thought that?

Clerk of Council – Laura Curliss: We asked for UV light treatment, it is a tertiary treatment, and they didn't put it in.

Linda Merchant-Masonbrink: Well, I can't speak for why they didn't think that was necessary. It is possible that's a very expensive type of treatment and it is something they that felt wasn't necessary based on threat limits, but again, since I wasn't involved...

President of Council – Fred Ertel: But the issue is, even if it is expensive and it does jeopardize our intake...

Linda Merchant-Masonbrink: Well, they didn't think it did. That's the thing. Even without...

President of Council – Fred Ertel: Well, so then we should worry about it then.

(Individuals talking at the same time)

Councilman Jaehnig: (inaudible for transcription)..the EPA will go back and make this right?

Linda Merchant-Masonbrink: Well, that's right and that's why our agency is there...is that we are going to put limits on it that we think...once we've modeled this...that we don't think there's going to be a threat. There's no way we would have authorized it if we thought there was going to be anything like that. Based on the information that we had and the modeling that we did, they didn't think it was going to be (inaudible). If there is a problem with the intake, the water supply has to notify the agency right way because they, either the limits have to be changed or they have some kind of unauthorized discharge.

Mayor Raizk: Getting back to the plan...plans are time consuming. Plans are not always inexpensive. But, if you have a plan, much as you have a master plan, it is the document that you work from when you are assessing. I think what the council members are asking is that if we take the time to complete and do a Source Water Protection Plan, will that document be the document that will judge whether our source water is protected or not? In other words, if additional (and there will be additional PTI's in the future asked for that could potentially affect our source water at Caesars Creek), will that plan then be the

litmus test for whether a PTI is granted? That's what we are saying. There is no sense in putting our efforts into a plan if we say, "Hey, you know, Wilmington has a Source Water Protection Plan that's on file with the EPA" if no one is going to look at it, and no one is going to do anything about it. I think that was the President's comment: Once you do the plan, does it have enough teeth in it to say...if your application for a PTI or some kind of discharge is not in accordance with this plan, that should prevent that. Otherwise, why would we have gone through that exercise? I mean, we know how to treat water. We know how to do that. We don't need a plan for ourselves; we need a plan to protect us from the external forces. That is what we really need.

Councilmember Peterson: I think my concern to add to that is, what I think I heard you say, is that the planning people and the permit people don't always talk. Maybe I misunderstood.

Barb Lubberger: Linda, can I give it a shot?

Linda Merchant-Masonbrink: Yes.

Barb Lubberger: My name is Barb Lubberger. I'm the silent partner up there. One thing that having a protection plan can do for you is as time goes on we are trying to get a grant program in place. Let's say right now they come in for a PTI and because we can only do what our regulations say we can do, the people in surface water say "Okay, you can have this permit." But what if you could get money through a grant and say "Look, we can provide money to put in this ultraviolet treatment that we think you need." Then you've got some leverage there. Basically, when you want to get people to do something for you, you have to make them see it as something good for them, and it is usually about money. And the same with these people up in Greene County. Probably you are mostly concerned with the farmers up there. Ohio EPA doesn't have any control over those farmers, unfortunately, as you know probably. But the Farm Bill offers a lot of money to these farmers and if you are in a Source Water Protection Area, right now just for groundwater but eventually probably for surface water, then they get a higher priority. The farmer who is in a Source Water Protection Area has a higher priority to put that land into conservation and then take it out of production. You don't have the agricultural chemicals going into the riparian areas. So, right now we are trying to work through incentives because these are a little bit easier to put into place than regulations. But, your point is well taken. As time goes on, we're putting more and more stuff into existing regulations where they have to recognize source water protection areas.

We have that for landfills now that they cannot open a new landfill or expand an existing landfill in a Source Water Protection Area. Unfortunately, mostly groundwater right now, but as time goes on, its going more and more. I think eventually we will have that also with the PTI's. You know, that if they're within a certain area of a surface water intake, they will be held to a higher restrictions. Right now, all we are doing, all we were able to get into, was the rules. You have to realize the rules process takes forever. Yeah, it takes a long time and there is a lot of back and forth and public meetings and so on, so it is not fast, but

Mayor Raizk: Jay Carr. I had to testify this last week before...I went up there as a total neophyte and got beat up just because I serve on a board and we were trying to change a few rules.

Barb Lubberger: This is what some of our staff goes through a lot. Right now, what we do have is that the large/major wastewater releases are supposed to notify any public water systems downstream if they have like an unregulated release and so on. We got that in because the rule came up. We have a five-year rule review and that's when we try to jump in and fix rules. But sometimes you have to wait five years.

Mayor Raizk: And please don't get the idea...we are not trying to beat you guys up. We just want to share with you some of our concerns.

Barb Lubberger: Your frustrations. I understand.

Mayor Raizk: We're one of the major surface water treaters between here...the major water sources. The City of Cincinnati and City of Wilmington are two of the major

surface water treaters existing, and our sources obviously... We pay the Corp of Engineers and the Ohio Department of Natural Resources dearly for the water that we have to treat. We pay in blood and we get water back.

Barb Lubberger: It is excellent water.

Mayor Raizk: It is good water, but we pay a premium for it. God gives the City of Cincinnati their water, coming downstream through the river. But I'm saying we spend a lot and it is important, so we just want to share with you some of our concerns about our source water because as we go future I agree with you, water is the oil of the 21st Century.

Councilmember Peterson: Do everything you can to protect it.

Mayor Raizk: We're banking on it. That is why we pay for all that water, because one of these days somebody will come to our door and say, "You know, we have to buy water from you."

Linda Merchant-Masonbrink: Your concerns are well taken. I think what would be good is if you could start this process, no one says you have to end it. But get started and just see what the options are, what can you do given the limitations of Ohio EPA regulations at this point.

Mayor Raizk: We certainly are not going to back away from the process.

Linda Merchant-Masonbrink: That's excellent.

Mayor Raizk: We want to make sure we do have protected source water coming in the future and may not be this year and it may not be next year and it may be four or five years down, but I think we're all looking at that

Barb Lubberger: It's something on your radar screen.

Mayor Raizk: It is on the radar screen.

Barb Lubberger: Knowing how valuable the resource is.

Paul Hunter: I have a question, if I may. HST's (Household Sewage Treatment system) they are all over this county, pumping their little... They are not maintained. Is that a part of your purview?

Councilmember McKay: What is an HST?

Paul Hunter: It is a Household Sewage Treatment. They're supposed to have (inaudible for transcription) Nobody does it in this county. The Health Department does not have the money to monitor it. Those things have a terrible record. Legislature reneged on a promise they made to put in a dome control system where the State Health Department controls local septic tank systems. The realtors scared them all off. Now we are back to the old rules, which means that stuff is just rolling on down the hill into the stream and then into our water supply. That is major stuff, when you take a subdivision with 200 HST's.

Linda Merchant-Masonbrink: That really adds up. That's a problem here. That's not necessarily a problem in other places that we've been talking to. Since it is a problem here, that would be part of the discussions that we have with the team...how we might address that.

Barb Lubberger: What are your options here? If your Health Department is not doing its job, then what else can be done? What we typically do in this case is try to get information out to the public, to the households. Of course, that that doesn't mean they are going to do it.

Paul Hunter: No. There is no enforcement. The guy down the road has a four or five-year inspection cycle. He hired two guys. That's all they do. They go around and

monitor and test and charge the HST owner if there are any repairs that need to be done. Clermont County does that.

Barb Lubberger: I heard Clermont is really, really good.

Paul Hunter: That is the only one I know of that does this.

Barb Lubberger: Part of the process would be to discuss – okay, we have a county where it's not working. What can we do? Obviously, I can't sit here and say I have the answers.

Paul Hunter: I read the paper on it here.

Barb Lubberger: Alright, you should be on the team then.

Paul Hunter: Not likely.

President of Council –Fred Ertel: Okay. Very good. Are there any other questions for the two young ladies here? Thank you so much for coming. We appreciate it.

Linda Merchant-Masonbrink: My card was passed around here so if you have any further questions, feel free to contact me.

President of Council-Fred Ertel: Okay. At this point in time, I would like to introduce Debbie Stamper from Clinton County Convention and Visitors Bureau with a Marketing Plan and Budget for 2009.

Debbie Stamper- Executive Director CCCVS: It's that time a year again for me to come and present my 2009 Marketing Plan and Budget. You've got it in front of you. I'm just going to summarize it tonight. You can take a look at it if you want at a later date at your leisure. Starting out looking at 2008, we actually had a pretty decent year. We had budgeted real, real conservatively in '08 because in '07 we had a lot of hotel ownership change and so the lodging tax – there was lodging tax not being paid and there was lodging tax coming in late. So, we decided in '08, we'll budget real conservatively and then as the year goes on, if more income comes in from lodging tax, then we will add some more advertising and other expenses.

So that is actually what we did. In fact, the lodging tax that we got in '08 was 13% higher than we have ever gotten in any single year. It was significantly higher. Just a few of the things that we did do, we had a marketing plan, of course. We do every year, and all of those objectives were met in '08. We continued with our Ambassador Program, which is educating our constituents in how to make the visitors' experience better. We actually have 41 people now that have gone through that. We gave \$6,000 in tourism grants. We held quarterly lodging meetings that were real beneficial. First of all, it brings those people together. Then also, as things were happening in our community it allowed us to talk and to address how we were going to face the future and what was going to happen.

We continued with our monthly e-newsletters. We actually have a database now of about 900 people that have requested that e-newsletter so we are continuing to send those out. Our press release that we send out (we used to do all those snail mail), we actually have a database of over 1,000 media – newspaper, magazine, and radio – so we can do a whole lot of that by e-mail. It saves us a tremendous amount of money in postage. We did start an initiative, and actually, that was through those lodging meetings, to start talking about bringing in sporting events to the county. I'll talk a little bit more about that in a minute. We received an economic impact study from the state. It actually compared...it was looking at '07...and from '06 to '07 we did see an increase of 12% in the amount of our visitors were spending here in the city and in the county. The state as a whole only had 6% gross, so we doubled what the state had done, their percentage.

Our free press continued to grow. We realized about \$400,000 in free publicity through our press release campaigns and talking to writers and that type of thing. In looking forward, we're no different than anybody else. We know it is going to be a tough year. That doesn't change the fact, though, that we also realize that the designated destination

marketing organization for the county. We take that very seriously. We believe we are about economic development, and we continue to want to have a seat at the table as new businesses come in and talking to people about what can help our community grow.

There are four different focuses that we are going to have in '09. I am just going to talk real briefly about those. The first one is investing in what matters most. With less money this year, we know we've actually cut the budget by a third, so there is a significant amount of decrease. So we will probably be getting back to the grassroots – selling. I will actually be a true salesperson, going to the event planners, going to these different organizations and associations and trying to get them to come in. We are going to have to cut back on the actual dollars spending. It is a little more manpower, a little less of the other resources. The major focus will be the sporting events. Just to give you a real brief synopsis of what has already happened with that. We've already been having meeting with all of the sporting venues in the county. We have had three meetings so far with about 30 venues that have been coming. All of the villages pretty much have been represented, the college, and all the school districts. There is a gymnastic facility in Blanchester that is Olympic-certified. The list kind of goes on and on and on. We are now talking to a consultant that would come in and do this extensive... Actually, Mike has been part of that. We have had two or three meetings. But, we are talking to this consultant now. He's actually the Director of the National Association of Sports Commissions. He would actually come in and do this extensive inventory and take photos. He would actually tell us what we should go after. He would give us a plan, basically. Also, he would get us in touch with these sporting event planners, so we already have the contacts and we know who to go to. Because in looking at what we have, it may appropriate that we just go after youth sports versus college level sports. We have to look at all that.

So it is kind of an exciting venture, something new, and it is a real growing niche market. You know, they say even in tough times parents still will put their kids in sports. They still will travel to watch their kids play sports, so we hope that kind of work for us. It is not going to happen overnight, but we are going to start and try to get it off the ground as soon as we can.

The internet. You know, people are planning their travel plans more and more on the internet. We are going to continue to enhance that site. Our numbers keep going up on the visitors to the site. When you see our marketing and our ads, we are really going to start selling experiences versus geography. Yes, our geography is important, but people want... They tell you to sell the rapids, don't sell the river. People don't want to go to a place they want to go to "something to do" basically.

The second focus area is increase collaboration and that gets back to, you know, we are all going to have to work together to get the things done. One of the things again is the sporting event endeavor that we will be working with countywide. Also, we will be working pretty extensively with the Roberts Centre to try to bring more associations and groups in for meetings. We're even going to try and focus our own population here locally to see if we can get referrals that way with some incentives.

The third area is identifying effective solutions. That is really my involvement with state and national associations. I'm on several boards. I hear first the trends and things that are going on. We're just going to watch and try to take advantage of being the forefront of knowing that information.

(End of Tape)

You know we are going to be challenged there is no doubt about it. But, we are up for it, and it ought to be a good year.

The next page is the actual budget line by line and I'm going to... Pretty much, when you cut your budget by a third, there is not anything significant in it because everything is lower than it was before. Like I said before, we are projecting the income to be down a third for county and city. In our advertising, we're still going to hit all the markets but we did allocate them all a little less, and we are allocating some monies for that sports marketing.

Our grant program, we are going to have it this year. We gave away \$6,000 last year. We had budgeted \$2,000 and the board had actually met a couple of weeks ago and increased that to \$3,000 so that is what we will be giving. We will be announcing those recipients at our upcoming open house whenever we can have that and it doesn't snow or ice or anything like that. I think there was one more thing I wanted to mention. That is pretty much it. Everything else is just based on '08 and cut back. We are just going to have to really watch.

Mayor Raizk: Debbie, one thing you surprised me with was that you did have the increased revenue in '08, which is good. Do you have a sense yet... and I guess I'm thinking in terms of actual room percentage usage based on hotel...as layoffs have occurred and contributions have shrunk, is it still too early to get a handle on?

Debbie Stamper: Until I get four quarters tax (and Mary Kay and I were talking about it). I should be getting them in the next couple of weeks.

Mayor Raizk: It would just be kind of interesting to see how that component shrinks. I mean, we've seen a lot of different components of that.

Debbie Stamper: They're all telling me that in the fourth quarter it really dropped off. They saw a significant drop. We were kind of helped out by the fact that the pipeline people are in town and there has been some other construction and things. Luckily, they are all really pleased that we've got those things that are kind of filling the rooms. They are real concerned. Real concerned. Any other questions or comments. Thanks. I appreciate you all letting me come in.

President of Council – Fred Ertel: Thank you. Okay, that completes my portion of the agenda. Mr. Mayor?

Mayor Raizk: Just a few things, Mr. President, and I'll be brief. Just to let you know that we have been working day and night about the Economic Stimulus Package. All the legislators have been. I participated just this evening before I got here on a conference call with all the mayors of Ohio. All of the mayors in Ohio were invited to participate with Senator Sherrod Brown. He was in between votes, and he said, "I'm going to duck into a coat closet," and he took this conference call. It kind of illuminated at least what the plan would mean for Ohio. It is very complex and I just can't start chipping things out. I will say to you, though, the only city that he actually talked about specifically was Wilmington, Ohio. That felt pretty good because we've tried to make sure that we are uppermost on a lot of these folks' minds and we've been working real hard. That stimulus package appears to be now north of \$900 billion. He believes that it will probably pass either pass tonight or tomorrow. We have been working very diligently. There are projects that we are talking about trying to get done. One of the criteria has been this "shovel-ready," as it were, (that is a term that is being used all the time) in approximately 120 days. In other words, people want something that happens right now. It's not about a project for three to five years from now. It's about right now. It's about those kinds of things. He is trying to get some special assistance money for our community, especially to help displaced workers. What form that is going to take, I do not know, but he did speak to that specifically, which is kind of different. A lot of the stimulus is more on the infrastructure-type projects. You've seen a lot of discussion about that. I think we are working very hard to make sure that we try to get our share, as is everybody else in the country, and there are a lot of concerns.

This money will appear to be funneled through many existing agencies, simply because the fact is, they want to do things quickly. They want this to get into the economy quickly, so they don't want to set up new agencies with new rules. They will shove it out through existing resources: block grants to the state, CDBG, EDA, some of the existing things we've already been working with, but there will be the extra money coming through. I just wanted to bring you a little bit up to date on that call. I know, you hear a lot about it, and you wonder what we're doing. We've been working real hard on this to try and make sure that we do that. It was really interesting...as we walked in here, just almost after 7:00 p.m., Laura got an e-mail from the Governor telling communities to reach out to their legislators, the senators and congressmen, to make sure that they heard their voice on this stimulus package. I said, "Oh, good. We got the letter after we had already reached out." That was one good thing.

I did get a response...we wrote to... and some of you may have heard...there was a Cincinnati-area initiative called "Save the Dream of Homeownership" asking for a six-month moratorium on foreclosures. We wrote and responded to that that we thought that was a great idea, especially for the Wilmington area. I got a response back from our State Senator John Carey who said he understood that and he was going to keep our views in mind when they get... This legislation has not been introduced yet, I do not believe, but they are expecting some kind of legislation in the upcoming session to be talked about. We wanted to get on there, and we think it is very important, especially for our citizens here with the double whammy that they get of our job losses plus the economy as a whole. I think it's important that we try to participate in that.

Did everybody see the sheet on the hits of the website? After the "60 Minutes" piece, Pauline and Laura have been working overtime. On Wednesday, the Wednesday after, we still had 77 e-mails that had not been answered yet from the Monday after the show and that night. There are a lot of crackpots out there, I will say that.

Councilperson Peterson: I didn't send one.

Mayor Raizk: She's already blocked. But, this was amazing. It does point out something that I just want to just briefly talk about. We have been working since the end of last year (and we're almost ready to go live) on revamping our website. We are going to switch website providers to a provider that does exclusively government websites. The quality, the ability to make changes, the flexibility, the things we are going to be able to do on this website are just 100-fold from what we can do now. We are very excited about it. Dave Allen has been working very hard, along with Laura. We're going to have some great pictures. There are going to be a lot of neat things we can do that we're not able to do now, frankly, at a cost that's even better than what we've been doing. We're very excited about this. My goal is that when we're ready to go live, one night we can bring it to council and do a little dog and pony show and kind of go through how it can be done. Just like with Debbie, we're going to be so integrated that all of these sites are going to be able link together, whether it's the Chamber, whether it's Debbie at the Convention and Visitors Bureau, because these are the marketing tools of the 21st century, and if we have ever needed to market City of Wilmington, it is now! It's interesting that we started that even before hand, but we are now trying to pick up steam. I'm very excited about it, and we want to bring it out and do a demonstration of it when we are about ready to go.

Clerk of Council – Laura Curliss: To that end, what Dave and I would like to do is to get a photographer to come here prior to your next council meeting and take your photographs. That means you have to dress up – or not – it's up to you. But we would have the photographer set up their gear and stuff, say in the Mayor's conference room, and then take your photographs so that we can put your picture on the website. The backgrounds would all be uniform and that makes it look professional. Look at the City of Dublin and Blue Ash, look at any of them, and you will see how council looks. It's all because they have professional photographs.

Mayor Raizk: And the other thing about it is, we are going to have a lot more pictures of our parks and our departments and all these kinds of things on there, that really show what kind of the City of Wilmington is. If you would do that, we will do that. Is everybody going to be here at next meeting? The 19th. That would be a good time to do it then, if everybody is going to be here.

Clerk of Council – Laura Curliss: We will get that set up.

Mayor Raizk: That would be great if you all could do that. It won't take very long. We will it done. We could start it at 6:30 p.m. or 7:00 p.m. Go take your picture and then come on over...something like that. Is that okay with you, Laura?

Clerk of Council – Laura Curliss: Yes.

Mayor Raizk: This just brought to mind the work that is being done on the website, so I just wanted to talk about that. I think that is all I have.

Councilmember Wells: David, can I ask one question... somewhat on a different matter? How is our search going for the financing mechanism that we talked about before a couple of meetings ago?

Mayor Raizk: I can address that a little bit. Mary Kay and I were on a conference call with our investment banker this week. Basically, what we are talking about is a financing pool with a bank and getting into this capital market. We're into the process of being approved by that pool. So, he thought about the middle of March. It is not something that "Oh, we said," and then we're not doing; it's a daily thing. To that end, Mary Kay and I participated (sorry no more trips to New York or Chicago anymore) on a conference call to Moody's about our rating. We have not been rated since 2003. We had a very productive conference call with the rating services. Obviously, they've heard some things in Chicago and elsewhere, but they wanted to get the real story. I think we did kind of an excellent job of portraying what is really happening in the community: the way we prepared the budget for this year; the cuts the people took, including the employees, and how we addressed that. Frankly, they were very impressed with the way we've been trying to manage being fiscally responsible. We explained how our revenues were with the airpark and what we were trying to do with that going forward. I thought we had a good call, didn't you Mary Kay?

Deputy Auditor – Mary Kay Vance: Yes.

Mayor Raizk: We feel comfortable that we will come out of that with a good rating... continue to have a good rating. Our investment bankers thought so too. We answered all their questions and even more than answered their questions. That is all part of this process, but I think Scott said somewhere, Don, towards the middle of March.

Deputy Auditor – Mary Kay Vance: For the pool. They are still going through the approval process.

Mayor Raizk: This approval process and so forth. We should know a little bit more maybe at the end of this month and then we can go forward. As soon as we know that we will be able to put the money in place, we will need to be doing the legislation. We can do side by side with rate-reduction legislation. We will need to have that approval first so we know what we can do. I hope I answered your question.

Councilmember Wells: Yes, very good. Thank you.

President of Council – Fred Ertel: Thank you. Let's get into Committee Reports. Asset, Acquisition and Use?

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

President of Council-Fred Ertel. Thank you. No Auditor. I assume everything is good.

Auditor-David Hollingsworth: Absent –No report.

Finance Committee-Chairperson Mongold: We do have several items and the first item is a resolution authorizing a request for advance payment for settlement from the county. This is a resolution we do every year to obtain our funds from the county.

A motion was made by Mongold and seconded by Peterson to give the first reading only on the resolution Authorizing A Request For Advance Payment For Settlement From the County.

Motion passed.

Director of Law read the resolution by title only.

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

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

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Resolution No. 2116 passed as read.

Committee Chair – Mongold: The second item tonight is a resolution authorizing payment of expenses incurred in prior fiscal year. This is what we call “then and now.” I do have the list. Are there any questions?

Deputy Auditor – Mary Kay Vance: The only reason this is such long list is that every year the state when they audit us the rules change for these. Many of the items on here... The most obvious one that I can give you to give you as an example of why we have to do this is the second item that says Property Casualty. This is \$134,000, which is the money we pay to Miami Valley Risk Management Association for our liability insurance. It is the 2009 bill. It is due to them by January 15, but they send it to us on December 15. It is dated 2008, but we’re paying for it with 2009 dollars in appropriations. We have to notify you, City Council, that we paid an invoice that was dated in 2008 with 2009 dollars. Even though it is our 2009 obligation, it is a bill for 2009, it is driven by those dates for when the event happened. Many institutions send us bills dated December 31 for the ensuing year for your next year, but because their dated that way we have to do this. It makes it a little messy. Your DP&L bill: You got it on January 15 but it’s for your usage from December 15 to January 15. Because it was used partially in the previous year, the state sees that as dollars from the previous year used in the current year. It looks messy, it’s housekeeping. It has to do with accruals and all of the things that they like to see. That’s the messy answer also as to why we do this.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Authorizing Payment Of Expenses Incurred In Prior Fiscal Year. Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Resolution No. 2117 passed as read.

Committee Chair-Mongold: The third item tonight is an ordinance making supplemental appropriations. I spoke with several of you today. The large amount is our first payment that we are making to Union Township for the annexation. It is due in March, but we went ahead and put it on the agenda in case we don’t have any more, so won’t have to publicize it again.

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

Motion passed.

Director of Law read ordinance by title only.

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

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

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ordinance No. 4820 passed as read.

Committee Chair-Mongold: That’s all we have, Mr. President.

President of Council - Fred Ertel: Very good. Thank you. Water Committee?

Water Committee-Committee Chair Wallace: Mr. President, being one who always has unique timeliness involved, we need to have a resolution to purchase some chemicals for our water department. Actually, this is something that we do on an annual basis, if you can remember back to the past years. We need give our people proper authorization to do the bid process. Are there any questions concerning this?

A motion was made by Wallace and seconded by Peterson to give the first reading only on the ordinance Authorizing the Advertising for Bids and Purchase of Chemicals For the Water Department.

Motion passed.

Director of Law read ordinance by title only.

A motion was made by Wallace 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ordinance No. 4821 passed as read.

Water Committee-Committee Chair Wallace: That's all I have, Mr. President.

[General banter]

Streets Committee-Committee Chair Peterson – I have several items. The first item is the second reading to revise the downtown parking map.

A motion was made by Peterson and seconded by Mongold to give the second reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Adopt a Revised Downtown Parking Plan.

Motion passed.

Director of Law read the ordinance by title only.

Committee Chair Peterson requested that third reading only be on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: The second is to provide a no parking zone on the north side of Hawley Avenue

A motion was made by Peterson and seconded by Jaehnig to give the second reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Provide for a “No Parking” Zone on the North Side of Hawley Avenue.

Motion passed.

Director of Law read the ordinance by title only.

Committee Chair Peterson requested that third reading only be on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: The third item is to provide for a no right turn on red at the corner of Main and South Street.

A motion was made by Peterson and seconded by Mongold to suspend the rules and give the second and third reading on the ordinance Amending the Traffic Control Map and the Traffic Control File to Prohibit a Right Turn on Red From Main to South Street.

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

Director of Law read ordinance by title only.

A motion was made by Peterson and seconded by Wallace to pass the ordinance as read.

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

Motion passed.

President of Council declared Ordinance No. 4822 passed as read.

Streets Committee – Committee Chair Peterson: The final item is renaming the old 22 & 3 “Rombach Avenue.”

A motion was made by Peterson and seconded by Wells to give the second reading only on the ordinance Naming that Section of S.R. 22/3 that Extends for 2600 Linear Feet, More or Less, Westward from the Current Municipal Corporation Line on S.R. 22/3 “Rombach Avenue.”

Motion passed

Director of Law read the ordinance by title only.

Committee Chair Peterson requested that the third reading only be on the agenda for the next meeting.

Streets Committee – Committee Chair Peterson: Just a reminder we do have a committee meeting February 11 at 5:30 p.m.

President of Council-Fred Ertel: Solid Waste/Recycling Committee?

Solid Waste/Recycling Committee-Committee Chair Wells - Mr. President, I have no items on the agenda tonight, however, I would like to thank the workers who picked up our trash and our recyclables at the curb during the bad weather. I think they did an outstanding job and I just commend them for their efforts. That’s all I have, thank you.

President of Council – Fred Ertel: Thank you. I know what you are talking about. Last night I heard the truck, as I always do, at about 4:00 am in the morning. I can only imagine how cold it was.

Councilperson Wells: They did a good job.

President of Council – Fred Ertel: Thanks, Don. Wastewater /Sewer Committee?

Wastewater/Sewer Committee- Committee Chair McKay : No report Mr. President.

President of Council – Fred Ertel: Thank you, Judiciary Committee?

Judiciary Committee-Committee Chair Popp: We have one item.

A motion was made by Popp and seconded by Peterson to suspend the rules and give the second and third reading only on the ordinance Amending Ordinance No. 4794 Establishing Classification and Salary Ranges for Certain City Employees, Repealing Ordinances and Part of Ordinances in Conflict Herewith and Declaring an Emergency. Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ordinance No. 4823 passed as read.

Judiciary Committee-Committee Chair Popp: We have nothing else at this time.

President of Council – Fred Ertel: Thank you. Safety Committee?

Safety Committee – Committee Chair Jaehnig: No report, Mr. President.

Downtown Revitalization Committee – Committee Chair Popp: Yes, we have one item this evening, Mr. President. It is a housekeeping matter. This happens every five years. It is a renewal of our agreement with the City of Wilmington and Downtown Wilmington Community Improvement Corporation within the Central Business District. Are there any questions?

A motion was made by Popp and seconded by McKay to give the first reading only on the ordinance Approving The Continued Agency Agreement Between The City of

Wilmington and The Downtown Wilmington Community Improvement Corporation
Within the Central Business District.

Motion passed.

Director of Law read ordinance by title only.

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

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

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ordinance No. 4824 passed as read.

President of Council – Fred Ertel: Parks and Recreation Committee?

Parks and Recreation Committee-Chair Wallace – No report, Mr. President.

President of Council – Fred Ertel: Service Director, any good news? How much salt do we have left?

Service Director – Larry Reinsmith: Well we just got 200 ton in last week.

President of Council – Fred Ertel: What did we have to pay for a ton?

Service Director – Larry Reinsmith: \$100.20 a ton.

President of Council – Fred Ertel: So we are still under the contract. Good, excellent

Service Director – Larry Reinsmith: I think there are 42 days until spring.

Councilmember Jaehnig: You're getting your warm up, Larry. We're good for a week at least.

Service Director – Larry Reinsmith: Well, yes. We still have a lot of ice on some of the side streets that got packed in there. Once you get it packed that hard, the blades won't work anymore. Salt won't work either. We did a lot of salting this last time. We could use a good week of 50-degree weather.

Councilmember Peterson: I think you're going to get it.

Mayor Raizk: The rain will help more than anything.

Councilmember Wallace: There was a day last week when it seemed like there was a lot of salt and slush around. I was wondering why we weren't out trying to push it around and get it out of the street. I don't know what day it was...

Service Director – Larry Reinsmith: It was Sunday. They were out in certain areas. They were really responding to complaints more than doing a systematic thing. I know they were in Southridge. They did a lot in Southridge. They had a lot of complaints out there.

Councilmember Wallace: I know we don't have enough trucks to handle every street, you know, but when (inaudible for transcription).

President of Council-Fred Ertel: Safety Director?

Safety Director – Nick Babb: No report.

President of Council-Fred Ertel: Okay, you have two reports in front of you tonight. What's your pleasure?

A motion was made by Wells and seconded by Peterson to accept the Report of Operation of the Clinton County Municipal Court for the Year 2008 and the Income Tax Report – January 2009, as presented.

Motion passed.

Reports accepted as presented.

President of Council- Fred Ertel: At this time, I would like to open the meeting to the general public and/or council to address council while in session. If you would, please come to the podium and state your name and address for the record.

Councilmember Jaehnig: Sorry. I have one item that I need to get on quickly because I'm going to need help in order to complete this. Some of you are already aware that after the "60 Minutes" piece we were contacted by the Feed the Children Network. They are going to be arriving in town Sunday evening and they will be here for the next 10 days filming with a crew, talking to families and school officials and city officials and so forth to tell the story of what is going on here. The benefit, in regards to us going through this again, is that on the February 19, eleven semi's of food are going to arrive in our city to be passed out to families of need and that will be the culminating event. The final item, or the most important item, is that Our Father's Kitchen Sugartree Ministries will be added as a permanent fixture then to their network. Between now and then, though, we have this crew that we need help in escorting them around the city and the county. While, yes, I am unemployed still, I can't give up ten days of my life every day and every night to take them around, so I will be looking for volunteer ambassadors to take some of that time up while they are here and help them get to where they need to get to their story told. That is all I have. Thank you.

President of Council – Fred Ertel: That's a wonderful thing -- being in the network now. That is excellent. Mr. Mayor?

Mayor Raizk: I just wanted to say one other thing and I don't think I addressed it. We talked about all the e-mails and letters that came. What I didn't tell you was that you really got your faith in humanity restored. We have received a sizeable amount of checks just from individual Americans from all over the country. Just made out to the People of Wilmington, some made out to the Mayor, some made out to whatever, just Wilmington. What we've done is we've just kind of divvied them up. Some have been \$10, some have been \$100 or \$20 just whatever anybody could spare. We have spread them around, given them to Sugartree Ministries or those churches that have food banks that they operate. We have kind of divvied them around. Some of the larger amounts we have given to the foundation for the DHL Wilmington fund, so we've kind of spread that around. The reason why we did it that way is that we didn't want to go through this process of where we have to take it into our books and then the process of accepting a gift. It would just be a nightmare. So, literally, I have just endorsed it over on the back to that organization and sent it on to them with a letter so that everything is documented and given to those folks. It is amazing and it will choke you up when you see that. It is amazing.

Councilmember Mongold: It would be nice if the News-Journal would re-cap those letters and donations in a flyer or something. I think that would be very interesting for the people.

Unidentified female speaker: I have a question. About how much have you seen in donations like that come in?

Clerk of Council-Laura Curliss: It's hard to say because a lot of people will send us an e-mail and say we sent it to Sugartree Ministries or tell me what that soup kitchen's address is, or Rotarians wanted to connect with Rotarians here to send checks to organizations. Not all of it has come through us.

Treasurer – Geoffrey Phillips: How much came into the city?

Clerk of Council – Laura Curliss: Oh, honestly, not that much through the city.

Mayor Raizk: Maybe a couple of dollars worth. Would you say that's...?

Clerk of Council – Laura Curliss: It is more like “Help us connect to other people and other charities here.”

Mayor Raizk: They weren’t necessarily made out to the City of Wilmington, or Wilmington. They were made out to like the people of Wilmington or at your discretion. So we just tried to pass them out to the other organizations that could use them. We have had a lot of people that would call and we’ve tried to give them the list of the contact information. We have a list prepared that has those people that have food banks, those churches that have food banks, and let them pick and chose from that list and let them go ahead. We don’t know how may people have actually done it, but I think a sizeable amount. When you think about somebody in Wisconsin or California or Georgia that took the time to pick up the phone or go to the website or... Handwritten letters...talk about a lost art...we have had many handwritten letters. Somebody had to take the time to do that. They had to be committed enough to do that. You talk about a real outpouring of faith of humanity for people whose situation may be (and we don’t know that their situation is any better than what ours is), but they at least took the time. I really need to publicly thank them for that.

Unidentified Female Speaker: Do you think 60 Minutes would extend our appreciation?

Mayor Raizk: We’re going to prepare a letter and talk about some of that and hopefully... I want them to do a follow up piece if they will sometime in the future. We told about our plight, I want to tell about... We have told them about the other things, but we are hopeful that they have enough material to actually create, you know, what else is going on. That’s all I have.

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

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, February 19, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President of Council – Fred Ertel: Thank you for joining me in the Pledge of Allegiance. The minutes for the February 5, 2009, meeting right now are still being generated and so on because they were quite lengthy. We had two presentations there, and we wanted to make sure we got all of the presentation and all of the questions and discussions and so on, so those are not quite yet ready for approval. Those will be coming and will be ready for presentation and approval at the next meeting. At this point, I would like to turn it over to Mr. Mayor.

Mayor – David Raizk: Thank you, Mr. President. I just wanted to briefly go over something. We had a great event here in Wilmington, as you know. Many of you have been working with Feed the Children, who have been here for the past week. Today was kind of the culmination of all of the efforts. It was a tremendous turnout. The volunteers were amazing. There were almost as many volunteers as there were people, which really speaks to the community in my opinion. It tells what kind of community this is. The Feed the Children folks could not have been nicer. I think they really appreciated the spirit of volunteerism and felt like they were giving us a hand up, not a handout. I think that was evident all through the process. You know, there were people there who had never, you know, because of their present situation with layoffs and so forth, had never had to do anything like this before – had never wanted to. I think it was not a message about despair today; it was a message about hope – about a community that comes together and works together. It was a great event. It was thrilling to be a Wilmingtonian today, to tell you the truth; it really was. I want to make special mention. Rob Jaehnig, who coordinated most of these activities, from City Council, just did yeoman's work. This is a gentleman who has been going through a rough patch himself, and for him to put this kind of effort was just above and beyond the call, Rob. I want to thank you on behalf of the City of Wilmington for everything that you did. As a little memento, I want to give you one of our City of Wilmington coins in appreciation.

[Applause]

Mayor Raizk: That's all I have.

President Ertel: Thank you so much, Mr. Mayor. I have just one thing for everyone to know. Certainly, Gary can talk to more intelligent people and more knowledgeable people, but I just came from the Clinton Memorial Hospital presentation that was going on and it is going quite well. Quite well. It is a very, very good situation, hopefully. We are all interested in healthcare in our community and it is turning out very, very well. So, we'll see how it turns out. Thank you. Committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

Auditor – President Ertel – No info.

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have three items. The first item is an ordinance making supplemental appropriations. The first item, of course, is for unemployment. The second item is for a grant that the Fire Department has applied for.

It is from FEMA. The entire \$89,000 is the grant, and they bought air packs with the money. When we get to the next item, which is a transfer, that is the City's portion of the grant for \$4700.

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

Motion passed.

The Law Director read the ordinance by title only.

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

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

The Law Director read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4825 passed as read.

Councilwoman Mongold: Item "B," Miscellaneous Transfers, the \$4725 is the City's match for the grant.

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

Motion passed.

The Law Director read the ordinance by title only.

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

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

The Law Director read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4826 passed as read.

Councilwoman Mongold: Item "C" is the resolution authorizing the filing of such grant.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Authorizing the Filing of a Grant Application Through the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) and Acceptance of Grant Funds Therefrom and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2118 passed as read.

Councilwoman Mongold: That is all. Thank you.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have several items. The first item is the third reading on revising the downtown parking plan.

A motion was made by Peterson and seconded by Wallace to give the third reading only on an ordinance Amending the Traffic Control Map and the Traffic Control File to Adopt a Revised Downtown Parking Plan.

Motion passed.

The Law Director read the ordinance by title only.

A motion was made by Peterson and seconded by Wallace to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 4827 passed as read.

Councilwoman Peterson: The next item will remove parking from one side of Hawley Street.

A motion was made by Peterson and seconded by McKay to give the third reading only on an ordinance Amending the Traffic Control Map and the Traffic Control File to Provide for a “No Parking” Zone on the North Side of Hawley Avenue.

Motion passed.

The Law Director read the ordinance by title only.

A motion was made by Peterson and seconded by Wallace to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 4828 passed as read.

Councilwoman Peterson: The next item is renaming 22/3 that is now in the corporation “Rombach Avenue.”

A motion was made by Peterson and seconded by Wells to give the third reading only on an ordinance Naming that Section of S.R. 22/3 that Extends for 2600 Linear Feet, More or Less, Westward from the Current Municipal Corporation Line on S.R. 22/3 “Rombach Avenue.”

Motion passed.

The Law Director read the ordinance by title only.

A motion was made by Peterson and seconded by Wells to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 4829 passed as read.

Councilwoman Peterson: The next two items are related to our paving projects. I would ask for all three readings tonight [inaudible for transcription].

A motion was made by Peterson and seconded by Wallace to give the first reading only on an ordinance Approving Preliminary Legislation as Prescribed by the Ohio Department of Transportation for a Small City Urban Paving Project in the City of Wilmington.

Motion passed.

The Law Director read the ordinance by title only.

A motion was made by Peterson 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

The Law Director read the ordinance by title only.

A motion was made by Peterson and seconded by Wells to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 4830 passed as read.

A motion was made by Peterson and seconded by McKay to give the first reading only on an ordinance Approving Preliminary Legislation as Prescribed by the Ohio Department of Transportation for a Resurfacing Project on a Portion of S.R. 134 in the City of Wilmington.

Motion passed.

The Law Director read the ordinance by title only.

A motion was made by Peterson 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

The Law Director read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4831 passed as read.

Councilwoman Peterson: The next legislation is extending the “No Parking” area on Hale Street at Hale and Locust.

A motion was made by Peterson and seconded by McKay to give the first reading only on an ordinance Amending the Traffic Control Map and the Traffic Control File to Eliminate Parking on the West Side of Hale Street for 80 Feet Commencing at the Intersection with Locust Street.

Motion passed.

The Law Director read the ordinance by title only.

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

Councilwoman Peterson: I have one other item. A matter was brought before our committee. There is a portion of Old State Route 73 that is now in the corporation and we need to have a name for it. I am very process oriented, so the first question we asked in the committee was “What process are we going to use to rename this?” Councilman Wallace offered to head that project, so I will just let you share the process you are going to be using.

Councilman Wallace: We are going to go through the next month. We are looking at April 1, at the first meeting of City Council in April we ought to have a name for this. So, we are taking all suggestions and dropping them off in the Mayor’s office, or you can get a hold of me and give me suggestions if anyone has a suggestion. This is the street from the traffic light by the Elks...the new Old State Route 73, which now has no name. It goes from the traffic light by the Elks down to the traffic light by ABX (Airport Road). We don’t have a name for that road right now, so we need to come up with something. I’ll be glad to take all comers and then we will move on from there.

Paul Hunter: DHL Drive is not an option?

[Laughter and General Banter Regarding Possible Names]

Councilwoman Peterson: Thank you for taking that on. That’s all we have.

President Ertel: Very good. Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: I have nothing on the Agenda tonight, Mr. President. I did speak with Commissioner Randy Riley and Jeff Walls of Solid Waste Management. Hopefully, in March they should be here and address council. I am trying to work that out. I hope to have that at the first council meeting in March.

Clerk of Council Laura Curliss: For what?

Councilman Wells: For Jeff Walls to talk to us.

Councilwoman Peterson: Thanks a lot, Don. I know you have been working on that. It has [inaudible for transcription] for so many of us.

Councilman Wells: I have had some questions about it, so this would be a good opportunity. If you can think of anything that you want to ask, that would be a good opportunity. Thank you.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No legislation tonight, Mr. President. However, I do notice activity in the cemetery, and I am sure our Service Director will give us an update on that later in the evening.

President Ertel: Excellent.

Councilman McKay: That would be activities of digging...

Service Director Reinsmith: They dig there every day, Mark.

[Laughter and General Banter]

Councilman McKay: We'll just let that rest. Anyway, you'll probably hear about it later in the evening.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Leilani Popp: Thank you, Mr. President. We have quite a few items. The first item is three readings on a resolution urging the introduction of legislation. This would be urging the state legislation to put a 6-month moratorium on foreclosures. Are there any questions?

Councilman Wallace: Mr. President, if I may say something here. I was not able to stay for the committee meeting to discuss this. Rather than turn this meeting into a committee meeting (I really have some questions on this and how this whole thing works), if you don't mind, I would just abstain during this. I just wanted to kind of explain why [inaudible for transcription]. I really feel bad that people are going to fall into this situation, and I just don't have it all thought out, and I don't really have a stand on this. I would not be doing the city service in making a good vote on this anyway.

President Ertel: Very good. We will certainly honor those wishes.

Councilwoman Popp: Are there any other comments or questions?

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Urging the Introduction of Legislation Providing a Six-Month Moratorium on Foreclosures.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2119 passed as read.

Councilwoman Popp: Our next resolution is in support of the Clinton County Commissioners for a Safe Haven Grant. They want to set up a Safe Haven home in our downtown area. They would like a resolution to support them in this effort.

A motion was made by Popp and seconded by Jaehnig to give the first reading only on a resolution of Support to the Clinton County Commissioners for the Submittal of an "OVW FY 2009 Safe Havens Grant."

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2120 passed as read.

Councilwoman Popp: Our third item is a resolution authorizing the Mayor to sign a Neighborhood Stabilization Program in Cooperation with our neighboring counties. Are there questions?

A motion was made by Popp and seconded by Peterson to give the first reading only on a resolution Authorizing the Mayor to Sign a Neighborhood Stabilization Program Join Cooperation Agreement for the Region XVI and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2121 passed as read.

Councilwoman Popp: Our next item is a first reading for the ordinance amending Ordinance 111.04. I would like to thank Kathryn and Fred for working on this for us and getting something in front of us. This concerns our meetings, and they changed how to go about them. This has not been done in a while and it needed reworked. Are there any comments?

President Ertel: Yes. I would like to thank Laura, too. Laura and Kathryn, thank you.

Clerk of Council Laura Curliss: You're welcome.

Councilwoman Popp: Laura, thank you also for getting this all together.

A motion was made by Popp and seconded by Peterson to give the first reading only on an ordinance Amending Codified Ordinance 111.04.

Motion passed.

The Law Director read the ordinance by title only.

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

Councilwoman Popp: The next item is three readings on a resolution authorizing the submittal of proposals with the Ohio Department of Transportation for grants through

the Ohio Department of Transportation. This has to do with Taxi. Are there any questions?

A motion was made by Popp and seconded by Peterson to give the first reading only on a resolution Authorizing the Submittal of (a) Proposal(s) with the Ohio Department of Transportation for Grants Through the US DOT Federal Transit Administration (FTA), as Authorized Under the American Recovery & Reinvestment Act of 2009 and the Federal Transit Laws, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Executing a Contract with the Ohio Department of Transportation.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2122 passed as read.

Councilwoman Popp: My final item is three readings on a resolution in support of the Comprehensive Economic Development Strategy Committee's work here in the county. Are there any questions or comments?

A motion was made by Popp and seconded by Peterson to give the first reading only on a resolution of Support for the Comprehensive Economic Development Strategy Committee's Work and for the Submission of a CEDS to the U.S. Department of Commerce Economic Development Agency.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2123 passed as read.

Councilwoman Popp: Thank you.

Councilman McKay: Mr. President, I do have one question for Leilani. I know there is someone in the audience that was interested in this from the Mediterranean...in the legislation we were talking about.

Mayor Raizk: That has to be advertised for a specific period as required by law. I didn't know that. I thought it was going to be on tonight as well. Laura, do you know when it will be on our Agenda?

Clerk of Council Laura Curliss: It should be on next time, after advertising for two weeks.

Mayor Raizk: There is a specific advertising requirement that goes along with it. It will be on next time.

Law Director Kathryn Hapner: In other words, they jumped the gun.

Mayor Raizk: What?

Law Director Kathryn Hapner: In other words, she jumped the gun.

Mayor Raizk: I was just asked a few minutes ago. I wasn't sure. I didn't advertise it. Did you advertise it?

Councilman McKay: I did not.

Councilman Jaehnig: I would be guilty of that, sir.

Law Director Kathryn Hapner: So, you jumped the gun.

Mayor Raizk: Anyway, it will be on next time, and we know you're interested. I didn't realize there was a specific notification requirement on that particular piece of legislation.

Councilman Jaehnig: But, we're glad you came.

Mayor Raizk: But, we're glad you came. We'll make sure you are here next time.

President Ertel: Okay. Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have no legislation today, but I would like to take the opportunity...if the Assistant Chief would pass on my thanks to the officers today that helped with Feed the Children. They not only were very efficient at their job, they were very, very cognizant of all of the people and the help that they need and very respectful of people's personal needs. I appreciate that greatly. I would also like to thank Larry and Denny and the Streets Services and all of the never-ending help with the demand we put on them to pull this off. We could have never had done this without you, so thank you very much. That is all I have, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp: Nothing to report, Mr. President, but we will have something next time.

President Ertel: Good. Thank you. Parks and Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace: No report, Mr. President, but Spring is coming!

President Ertel: Excellent. Service Director?

Service Director- In the absence of Service Director Larry Reinsmith, there was no report.

Mayor Raizk: Where did he go?

Councilman Wells: He got a call from the cemetery.

[Laughter]

President Ertel: We'll see if we can't get him back in here because I'm sure he does have some information.

Councilman McKay: I hope he can clarify that cemetery incident.

Mayor Raizk: The project that is underway on the cemetery, they are going along really well with it. We had to bid it twice, as you know, because there were some modifications in the easement. But we've got it and they're getting it done. We're very excited about that. That's a major cog in our wheels and gears of the sewage treatment plans.

Paul Hunter: How is the relining contract coming? Is that finalized finally?

Councilman McKay: That would be a better question for Larry also.

President Ertel: He's not to be found. Okay. Safety Director?

Safety Director – In the absence of Safety Director Nick Babb, there was no report.

Reports:

A motion was made by Jaehrig and seconded by Wells to approve the Hotel Lodging Tax – 4th Quarter 2008 and the Auditor-Treasurer's Report – January 2009 as received. Motion passed.

Reports accepted as received.

President Ertel: At this time, I would like to open the meeting up for members of council and/or the general public to address council while in session. If you would, come to the podium and state your name and address for the record. We have a special request from the Mayor.

Mayor Raizk: I think this was in your packets, but I just wanted to point this out. Bible Missionary Baptist Church has been very involved during the layoffs and everything with wanting to promote some ideas. I know they have been actively helping their members and other folks in the community with resume writing and some of these other kinds of things. This is a program that they are doing. It is cosponsored by our Small Business Development Center, which is sponsored from the State of Ohio, and the SBA. It is called LEAP, a business-ownership program. LEAP stands for Learn Entrepreneurial Applications to Propel you into business ownership. They are having a half-a-day seminar on February 28. I just wanted to mention that publically. You have a copy of this. I think it is great that they are getting active in the community and trying to assist folks. The next job that these folks get might be working for themselves. This is a great opportunity. They have partnered with the State of Ohio Department of Development, the Small Business Development Center, and the SBA and some other organizations, so it is a good thing.

President Ertel: Very good. Would anyone else like to address council?

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, March 5, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

A motion was made by Mongold and seconded by Jaehnig to excuse the absent member. Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

President of Council – Fred Ertel: I would like to welcome our young members from Boy Scout Troop 151 and their leader, Erik Ansbergs.

President Ertel invited them to stand and introduce themselves and they did. President Ertel offered to help them with understanding the process if needed.

A motion was made by Jaehnig and seconded by Mongold to approve the minutes of the February 5, 2009, regular meeting as received.
Motion passed.
Minutes approved as received.

A motion was made by Popp and seconded by Peterson to approve the minutes of the February 19, 2009, meeting as received.
Motion passed.
Minutes approved as received.

President Ertel: I don't see much for my part on the agenda tonight. Mr. Mayor?

Mayor – David Raizk: Thank you, Mr. President. I don't have much tonight. It has been a hectic week. There have been a couple of joint committee meetings about stimulus project things. Suffice to say that every time we turn around there is a new form to fill out. The Ohio Department of Transportation came up with an interesting form on Tuesday and said this was what we needed to put all of our projects on. The City of Wilmington and Clinton County are not represented by a regional planning authority-type organization like some of you have heard of (like Miami Valley Regional Planning or OKI), so we deal directly with the Ohio Department of Transportation. Interesting enough, they came up with a form that was many pages deep on Tuesday and said, "We need to have all of your projects on these forms," and they gave us 48 hours to do it. I can say that we did everything we could think of, with just about everyone in city hall that knew how to use a computer. It asked for more detail than you can imagine. I think, as of the end of the day today, they were all done. I want to thank everyone here who worked on that: Laura, Larry, Ernie, Dave Allen, Chris Schock, and Andrea.

Secondly, just an update: At the end of last year, you will remember that we talked about our sewer rates and looking at reductions in those to go along and we are not backing away from that. This process has taken a little longer than we thought. We're having our bond counsel look at some innovative financing that was made available to us, and we are still waiting for the approval to see if we can get with that pool scenario. I hope to have something before you before the end of this month, but just to let you know that we are working on it. It is complicated. How much we can do just depends on this financing mechanism.

President Ertel: Thank you, Mr. Mayor; we appreciate that. Committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: We have three readings on a resolution authorizing the Mayor to transfer two parcels of land to the county commissioners. With the conclusion of the bypass, we somehow acquired two parcels of land that are just an island out there, and this will take care of that situation.

A motion was made by Mongold and seconded by Wallace to give the first reading only on a resolution Authorizing the Mayor to Transfer Two Parcels of Land to the Board of Clinton County Commissioners (Parcel No. 270-018835-8 and 270-018820-0.)

Motion passed.

In the absence of Law Director Hapner, President Ertel the resolution by title only.

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

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

President Ertel read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2124 passed as read.

President Ertel: Thank you. Mr. Auditor?

Auditor – President Ertel: No Auditors report tonight.

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have two items. The first item is an ordinance making supplemental appropriations.

She asked for questions and received none.

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

Motion passed.

President Ertel read the ordinance by title only.

A motion was made by Mongold 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes.

President Ertel read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4832 passed as read.

Chairwoman Mongold explained that the next ordinance was to pay expenses incurred in the prior fiscal year. Once again, this is the “Now and Then,” and for some reason they just keep coming.

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

Motion passed.

President of Council read the resolution by title only.

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

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

President of Council read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2125 passed as read.

Councilwoman Mongold also welcomed the Boy Scout guests.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have one item. It's the second reading on the ordinance amending the traffic control map to eliminate parking on a portion of Hale Street.

A motion was made by Peterson and seconded by Mongold to give the second reading only on an ordinance Amending the Traffic Control Map and the Traffic Control File to Eliminate Parking on the West Side of Hale Street for 80 Feet Commencing at the Intersection with Locust.

Motion passed.

President of Council read the ordinance by title only.

Chairwoman Peterson asked that the third reading be on the Agenda for the next council meeting.

President Ertel: Very good. Thank you. Solid Waste/Recycling?

Councilman Wallace: Mr. President, if I can interject on the Streets, we have a contest for naming a street. We are trying to get some names collected by the end of this month to present and come up with a name. Any suggestions please contact me or call the Mayor's office. I'm even contemplating putting a box here in city hall to turn in names.

Councilman Jaehnig: For the Scouts, the road we will be renaming was 73 out by Airborne. When the bypass went in, 73 automatically moved, leaving that road officially unnamed. We already have an Old 73; we really can't have an Old Old 73, so that is the piece of road that we are looking to rename. I would love to see all of you throw in one. Something of a positive nature, please.

(There was some more bantering about submitting names for this road.)

Solid Waste/Recycling Committee: Chairperson Don Wells: I have nothing on the Agenda tonight, Mr. President. However, we will be having a committee meeting on Monday, March 9 at 5:30 in the Service Director's office, and we will be reviewing the Solid Waste Management District's Plan. Anybody who can make it, please show up.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Peterson: We have no report.

President Ertel: O.K. Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Leilani Popp: Thank you, Mr. President. We have two items this evening. The first is a second reading on an ordinance Amending Ordinance 111.04.

A motion was made by Popp and seconded by Peterson to give the second reading only on ordinance by title only.

Motion passed.

President of Council read the ordinance by title only.

Committee Chair Popp requested that the second and third readings be on the Agenda for the next meeting.

Councilwoman Popp: Our next item is a resolution adopting an identity theft policy and declaring an emergency.

A motion was made by Popp and seconded by Peterson to give the first reading only on a Resolution Adopting an Identify Theft Policy and Declaring an Emergency.

Motion passed.

President of Council read the resolution by title only.

Committee Chair Popp requested that the second and third readings be on the Agenda for the next meeting.

Mayor Raizk indicated it had to be enacted by April 1.

Councilwoman Peterson asked what was driving this.

Mayor Raizk: We have to have a Red Flag Policy in place even at the dealership because we do financing. It's about identify theft, and since we do interact with folks and take their money, we have to have a Red Flag Policy. Last year they enacted what was called Red Flag legislation. It's basically having a policy in place that answers how to deal with these things. It was supposed to go into effect earlier in the year and people just weren't ready, so they backed it off until this new date. Originally, it was to have been last November. It affects a lot of private businesses, all the banks, etc.

President Ertel: Okay. Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have no report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp: Yes, we have one item: The first reading on an ordinance designating a new revitalization district within the City of Wilmington.

A motion was made by Popp and seconded by Peterson to give the first reading only on an Ordinance Designating a Revitalization District Within the City of Wilmington.

Motion passed.

President of Council read the ordinance by title only.

Committee Chair Popp requested that the second reading be on the Agenda for the next meeting.

President Ertel: Good. Thank you. Parks and Recreation Committee?

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

President Ertel: Excellent. Service Director?

Service Director- Larry Reinsmith: The only thing is that last week someone asked the question about pipe relining. We haven't really done any yet. We've done a lot of camera work, a lot of testing. That project is supposed to start in probably three weeks. They have identified work that is going to cost around \$153,000 on those contracts. They're going to start that phase, and then the manhole repairs, that's another phase of those contracts. They've identified six contracts. Those bids are going to open tomorrow. The estimates are around \$80,000 for that work, and they will start making those repairs next week. I know one is down by Kentucky Avenue and it is 14-feet deep that they have to replace, so they've got some deep manholes that they are going to be working on.

Mayor Raizk: Is that the one right there at Kentucky and Xenia? It is 14-feet deep?

Larry Reinsmith: Yes, and then the grouting, which is another phase, is going to start around March 16 and that's about \$68,000 worth of work there. The cemetery project is complete now. They've got it tied in on both ends and it has been tested. Now it's just going through the clean-up phase and restoration. That project finished out at \$186,000.

Paul Hunter: It was passed as an emergency, I believe, last spring, almost a year ago – that relining one, the \$77,000. Now we're just getting to it, is that right? Because of complications?

Larry Reinsmith: I think a lot of it had to be the camera work and locating all of those low places.

President Ertel: I have a question about the sewer line down through the cemetery, the progress there.

Larry Reinsmith: It's done. It's been tied in at both ends and it has been tested and is now just going through the restoration. It cost \$186,000.

President Ertel: You got rid of that old pump house down there too because that was such a safety issue.

Mayor Raizk: Further, one of the things that held us up was we had a lot of problems with our existing camera and we had to replace it. It was the cart and the horse scenario. We had a lot of problems last year getting that done.

Paul Hunter: I just wanted to see you beat the spring rain.

Mayor Raizk: Yes. The camera was in the shop more than it was out, and we couldn't get parts for it anymore so it finally had to be replaced.

An unknown speaker asked what areas were going to be done.

Larry Reinsmith: All over town.

Paul Hunter: You're not going to do the north? That's where the problem was.

Larry Reinsmith: Yeah, and that's where they hit most of it, but they have other areas identified.

Paul Hunter: So whatever the camera shows them, they are going to do those first.

Larry Reinsmith: Right.

(Someone from the audience made another comment, but it could not be understood for transcription.)

President Ertel: Okay. Safety Director?

Safety Director – Nick Babb: I really do not have anything to report. It has been a pretty quiet period from the police and fire standpoint. I'll probably regret that I said that. We do have a new Dodge Durango setting out in the parking lot. It will be a marked vehicle probably by the end of May.

Rob Jaehnig: Is that a seized vehicle?

Nick Babb: No. It is one that we purchased on a state contract.

Mayor Raizk: The quality of the seized vehicles has been steadily going down. We got lucky once.

Reports:

A motion was made by Wells and seconded by Peterson to approve the February 2009 Income Tax Report as received.

Motion passed.

Report accepted as received.

President Ertel: At this time, I would like to open the meeting up for members of council and/or the general public to address council while in session. If you would, come to the podium and state your name and address for the record.

Paul Hunter, 200 Randolph St.: I want to take this opportunity to bring council up to date on my personal efforts to revitalize the airpark and the county. The young men of Energize Clinton County, the two fellows are doing a good job, getting a lot of press. The Economic Recovery Task Force is also working hard and you can start to see results. With the assistance of the Ohio Department of Development, I was able to attend a wind turbine conference in Columbus last fall. At the workshop, I was put in touch with a firm in Cincinnati that is interested in putting/manufacturing commercial-sized wind turbines and they are interested in our airpark to some extent. I've been talking to them internet-wise and then I got them to Chris Schock. They came up for the tour and they came back up last week to talk to people out at the airpark. They brought along a solar panel builder who is also interested in locating here. We met with them, Mr. Brooker, Chris, Mr. Underwood and I met with those fellows and then they took a tour out to the base. The messages I received since that meeting last week are positive. They are very interested and are looking forward to talking more about it. Of course, they are like us. They are held up by what's going to happen to the airpark, but I told them not to give up. If DHL keeps it, talk to them. They don't want to pay taxes on empty buildings, for heaven's sakes. So just because we don't get it doesn't mean they can't deal individually with a company.

Mayor Raizk: Paul, I did meet with them also later in the day. I think what else is important is that we have a lot of good space that isn't necessarily the airpark. I talked to them about that, so there doesn't need to be a slow down.

Paul Hunter: The wind turbines need heavy buildings that can withstand 40-ton gearboxes. However, the thermal solar cell guy he just needs a 100,000 feet of cover.

Paul Hunter: During the same period, I received a response from one of my many mailings to alternate energy sources throughout the world. A German solar developer in Tempe, Arizona bounced back with, "I'm very interested in your area." I sent out a description of the base and all of that or the airpark. We've been talking now since last fall. I put him together with the solar guy that came up from Cincinnati on the email and they had a teleconference today to see if they can complement each other in whatever they were going to do on solar cells. I haven't gotten the report back on that, but I hope to tomorrow.

Paul Hunter: Yesterday, a Cleveland wind turbine consulting group (they put people together with suppliers)...she called me and said, "We have a new guy interested in wind turbine manufacturing...interested in Ohio...located in Wichita, Kansas." I emailed him today and I am awaiting his response. Once I get them cultivated, I pass them on into the system for the incentives or whatever they are looking for. I'm just kind of an outreach guy; I call myself a facilitator.

Paul Hunter: Finally...that little hand out...I've been investigating commercial wind energy production for the past couple of years in hopes of raising local interest in such a project. My research has led me to the State Route 72 wind corridor. It's at Reesville [inaudible for transcription]; it's the highest point in the county and it runs into Green County, but for our purposes from 71, 72, clear to New Vienna. It comes within a mile or two of the base; it reaches that far. The map you see, the insert, you see the crosshatch area, that is the high wind area. I was able to purchase wind data from the airpark, 2008, extrapolated that and there is some 200 and some days of usable wind. My big hope was to get the landowners in the corridor to meet. So I said I'll use the East Clinton Ag Department, that would be a good thing for them to host a meeting. I have a

guy that will come in and talk about it. The wind guy from Cincinnati was really enthused, building them here, and sticking them here a few miles away. However, I got an email from East Clinton and that group declined to participate. I've got to go out now and find maybe a Farm Bureau, the college, who knows? But this is viable stuff. We have an average 129 days of 19 mile per hour winds, that's a 100 meters. In the end, my investment of hundreds of hours and hundreds of dollars may be in vain, but as they say...nothing ventured, nothing gained.

Mayor Raizk: Growing up, we always thought Snow Hill was about the highest point.

Paul Hunter: It's a place called Hoskins Airport.

President Ertel: That's where the big microwave tower is east of New Vienna, isn't it?

Paul Hunter: There was a . . . the guy that ran . . . no, it's either Hopkins or Hoskins. It's on the internet. It's no longer an active airport; it's like Webb Field. And that's 1100 and 70 some feet and the base is 1054 or the airpark. So that's about a 100 foot higher than the airpark where we are. You add that to an 80-meter wind tower and you are up there where the winds are blowing.

Mayor Raizk: Thank you. Good job.

President Ertel: Thank you so much, Paul. Very good information.

(Other voices could be heard expressing their appreciation for his efforts.)

President Ertel: Very good. Would anyone else like to address council? O.K. Are there any questions?

[Unidentified speaker in the audience]: I just had a question about this wind thing. I've read about some of this stuff in the past. Sometimes communities are against it because of the noise. I don't have any problem with it; I was just curious.

Paul Hunter: All of my research. I used the Champagne County model because they are ahead of us in that, but we don't need to reinvent the wheel. They've toured all of these and all of the comments I read are that the noise is negligible. It's probably in the ear of the beholder, if you will. But that's out in the country. The East Clinton High School superintendent, he's all hot-to-trot to put one up there at the high school. They've got 46 acres to run their school on. Trane, who did our school's energy audit, I'm asking them so you can pay back all of your building improvements that Honeywell or Trane suggests through savings. And I'm asking them if you can pay for the wind turbine through the savings on energy. I haven't gotten an answer yet. It's an interesting idea.

President Ertel: Certainly. Very good, Paul. Thank you. Any other questions.

Mayor Raizk: Just an update. Paul, you mentioned the Honeywell folks. We have had the Honeywell people here and Dave Allen has been working on it. They are making a proposal. We've actually taken their initial proposal and put it as one of our stimulus projects for right now. Even if it doesn't, it's amazing how they guarantee on the payback that they give. And this is looking at every building and facility that we have. It's good stuff, just what you were talking about.

Paul Hunter: I think the school was done with theirs. They used Trane...the same kind of thing operating under the Ohio statutes.

Mayor Raizk: And there is a way to finance it if you don't, but we thought for right now we would put it in as one of our . . . We are trying to get some funding first, but even if not, it's a worthy enterprise.

Paul Hunter: Look at that wind methane off Nelson.

Mayor Raizk: That's another project. It takes too long to talk about that now, but we are working on that, too.

Councilman Jaehnig: I wanted to say that some of the projects I have been working on lately (because I have been unemployed) have been kind of an eye-opener. I think, from everybody that I have gotten to talk to, the City at this particular point is ready to move on. Everything that I hear is beginning to be positive and that's what we need to concentrate on now. Things like what Paul is doing on his own, we're seeing all over the place. Everybody is saying, "You know what, we just can't depend on somebody else to do it for us and now is our opportunity to make a difference." Whether it's groups . . . like the Scouts . . . everyone can make a difference right now. If we all pitch in together, it is a very, very positive opportunity for everybody. Now is the time to stop looking backwards and start looking forward.

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, March 19, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

A motion was made by Popp and seconded by Wells to excuse the absent member.

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the March 5, 2009, regular meeting as received.

Motion passed.

Minutes approved as received.

President Ertel: Mr. Mayor?

Mayor – David Raizk: I have only three things to say. Take care of the basketball, watch the turnovers, watch the passes and make free throws. Go Canes!

President Ertel: Thank you, Mr. Mayor; we appreciate that. Committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: We have nothing this evening.

President Ertel: No Auditor. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: No report.

President Ertel: Thank you. Water Committee?

Water Committee – President Ertel: Should be no report there, I assume.

President Ertel: O.K. Streets Committee?

Streets Committee – Chairperson Peterson: I have a third reading on the ordinance amending the traffic control map to eliminate parking on a portion of Hale Street.

A motion was made by Peterson and seconded by McKay to give the third reading only on an ordinance Amending the Traffic Control Map and the Traffic Control File to Eliminate Parking on the West Side of Hale Street for 80 Feet Commencing at the Intersection with Locust.

Motion passed.

In the absence of Kathryn Hapner, Law Director, Lynn Turner acted in that capacity and read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4833 passed as read.

President Ertel: We just had some visitors come in. If you have any questions about our process, just let us know. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: I have nothing on the Agenda tonight, Mr. President. However, we do have a committee meeting scheduled for Wednesday, March 25 at 5:30 so if you can make it, be there.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson McKay: We have no report.

President Ertel: O.K. Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Leilani Popp: Yes, Mr. President, I have some items. We have the third reading on an ordinance Amending Ordinance 111.04.

A motion was made by Popp and seconded by Peterson to give the third reading only on ordinance by title only.

Motion passed.

Acting Law Director Turner read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4834 passed as read.

President Ertel: I want to thank everyone. This was our Special Meeting legislation and it has taken a little while to get it done, but it's done and I appreciate all of your help.

Chairwoman Popp: Our next item is a second and third reading on a resolution adopting an identity theft policy and declaring an emergency.

A motion was made by Popp and seconded by Peterson to suspend the rules and give the second and third reading on a Resolution Adopting an Identify Theft Policy and Declaring an Emergency.

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

Acting Law Director Turner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. 2126 passed as read.

Chairperson Popp: The next item is three readings on a resolution authorizing the service director to enter into a contract.

A motion was made by Popp and seconded by Mongold to give the first reading only on a resolution Authorizing the Service Director to Enter into a Contract with LJB Engineering for Professional Engineering Services Regarding Repairs, Stormwater Improvements and Repaving on Nelson Avenue and Declaring an Emergency.

Motion passed.

Acting Director of Law Turner read the resolution by title only.

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

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

Acting Director of Law Turner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2127 passed as read.

Chairperson Popp: The next item is a housekeeping item approving the editing and inclusion of certain ordinances.

A motion was made by Popp and seconded by Peterson to give the first reading only on an ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the

Various Component Codes of the Codified Ordinances of Wilmington, Ohio; and Declaring an Emergency.

Motion passed.

Acting Director of Law Turner read the ordinance by title only.

A motion was made by Popp 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; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes. The Law Director read the ordinance by title only.

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

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

President of Council declared Ord. No. 4835 passed as read.

President Ertel: Anything else, Leilani?

Chairwoman Popp: No. Thank you, Mr. President.

President Ertel: Okay. Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item on the Agenda this evening. It is that time of year to renew our agreement with Blanchester-Marion Township Joint Fire District. We need a resolution to continue that relationship.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Dispatching Agreement with the Blanchester-Marion Township Joint Fire District.

Motion passed.

Acting Director of Law Turner read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes. Acting Director of Law Turner read the resolution by title only.

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

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

President of Council declared Res. No. 2128 passed as read.

President Ertel: Is there anything else?

Chairperson Jaehnig: No. I'm sorry. That is it, Mr. President.

President Ertel: Okay. Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp: Yes, Mr. President. We have the second reading on an ordinance designating a revitalization district within the City of Wilmington.

Councilperson Peterson: Can I ask a question on this? I'm sorry to put you on the spot on this, but on the agenda it says second and third reading.

Chairperson Popp: We're just asking for the second reading tonight.

Councilperson Peterson: I guess my question is why can't we have both readings tonight? I really think...we have a downtown plan. The difficult decisions come when there is not a plan and you just kind of make it up as you go along. In this case, we have a plan and this fits into the plan. This plan was developed through many public meetings, with a lot of input. This fits specifically into that plan. It is a pretty easy decision for me to make, and I don't see why we would want to drag this out, especially considering our current economic situation. We need to do what we can to help downtown businesses. I checked with Steve Brown and I shared with him my position. His response was just kind taken aback. He said, "You mean we're actually [inaudible for transcription] that you're not happy with?" I said, "No, no, I don't want to say that. I just am trying to do

my homework.” He said, “We need this downtown.” You know, I look at the last marketing survey that was passed out to council and it said the businesses that were needed downtown were things like upscale restaurants, bars. I think one was a microbrewery, wine shop and wine restaurants, bars. I don’t know how we would achieve our goals without this legislation. I’m just asking council if they would consider doing the second and third readings and moving this forward tonight.

Councilwoman Mongold: I agree with Councilperson Peterson that for years we have been working on revitalizing downtown. Under the current situation in Wilmington, I think in Wilmington and downtown we should be supporting anything that is a reputable business and is trying to fill our storefronts. We need to be supportive.

Councilperson Peterson: Councilwoman Popp, I apologize for putting you on the spot with this. Is it possible we can do a roll call on making it...?

President Ertel: We can do second and third reading, if you would like.

Councilperson Peterson: I mean, could we do a straw poll or something on those who want to do second and third reading, or what is the best way?

President Ertel: The best way to do that is to have motion to do that.

Councilperson Peterson: Hey, that sounds too simple.

Councilperson Wells: I have an interested party in the Third Ward who is a property owner close by, and he has asked about why the urgency to have the second reading. He wanted to speak to council, but because of work obligations, he could not be here this early because of a special meeting tonight. I’m just opposite of Cindy. I’m asking that we postpone it until we can have this discussion to make sure everything is answered before we pass this. It just seems the only fair thing to do.

Councilperson Mongold: We have discussed this. We were all in a meeting back in January where this was discussed. I think you need to understand, too, that this is not being passed as an emergency. So, we’re only talking a 14-day difference on any legislation.

Denise Terzakis: If there is a member of the public asking for a chance to give some input, I don’t see the need to push it forward without offering them that input.

Councilperson Peterson: I haven’t had anyone, save one person, give any negative input. I’m the type that actively solicits differing views, because I think that is the way we legislate appropriately, is to try to look at all views. I have had one negative comment.

Councilperson Popp: I’ve seeked out business owners that are outside of the revitalization district who see absolutely no problem with it, and they think it is wonderful.

Councilperson Wells: But because this is a special meeting tonight, it is not fair to pass this tonight before the interested party can come and talk. This is a special meeting at a different time. That’s not how it works; it’s just not fair.

President Ertel: If the interested party could have been here, it might have been different, true. But if they were truly interested, they would have been here. We also looked at the possibility of doing it next time, and the same interested party can’t make it then either – even at the regular time. I would personally entertain...if it is the feeling and it looks like... just taking a straw poll...that persons would like to do the second and third reading.

Councilperson Jaehnig: Is there somebody here who is willing to speak in regards to that now?

Denise Terzakis: My input was that I don't see what is the rush. Why can't it be opened up for public? If one person has made it clear that they would like to speak, I believe there are also others. Just by reading posts on online, I have indicated or noticed that there are other people who have concerns about this. I don't feel that the subject has been brought up and given the amount of discussion that it should be. This being a special meeting, I agree, that there is no need to rush. Is there a rush that it has to be tonight? I would like somebody to tell me what is the rush that it has to be tonight. What is two weeks?

President Ertel: It is just normal process for ordinances and whatnot to go through in a timely manner...one, two, three readings...whatever.

Denise Terzakis: Right...on three separate occasions. But in this case, it was given two readings in the same meeting, which is not technically normal procedure, correct?

President Ertel: No. We have already had one reading on it.

Denise Terzakis: I understand. This would be the second. Then you would declare it an emergency so you can do the third reading in the same meeting.

President Ertel: We do not declare it an emergency.

Councilperson Peterson: Can I just ask council? Has anyone had anything, except for the one citizen, has anybody heard? I would want to hear this. Has the Mayor's office had any?

President Ertel: No. Nor I.

Councilperson Peterson: Honestly, I have made phone calls. I have done outreach trying to find these people. I guess the answer is delaying the legislation for one citizen... I don't see the purpose in that. Don, have you had any others?

Councilperson Wells: Well, I have had people ask me questions about it that I can't answer. Like, what is the revitalization district? I can't tell you. Or why do we need it? I'm not exactly sure on that. You know, I'm not against it. What I'm saying is...in fairness...I believe in fairness. I think the questions should be answered. I'm not saying anything is wrong. I'm just saying that this is a special meeting tonight. This is an unusual circumstance. In fairness, it does not seem right that we should pass it without people having the opportunity to come and speak.

Councilperson Jaehnig: But, we have had some people at the meetings to listen to what is being proposed. A prime example of a group that has waited with baited breath for this immediately from this in being able to reapply to improve their business situation. When we are heavily pushing for a "Buy Local" program and something to benefit the local businesses, I think...

Councilperson Wells: I didn't say I was against it.

Councilperson Jaehnig: I didn't say you were. But I think we have a responsibility to the businesses to be expeditious as possible. One of the things that we fall into a double-edged sword on is we get criticized for not moving fast enough and we get criticized for moving too fast. I think, in general, everybody tries to do the best that they can, but we can't move the Task Force any faster. We can't move Redevelopment any faster. City Council only has the ability to act on ordinances and resolutions. In this particular case, we know that we can have an immediate, positive impact. This is the third meeting in regards to this subject. There was a fourth meeting, in fact, that the Mediterranean was at where the subject was not even brought up.

Councilperson Peterson: They were so excited about it that they came early.

Councilperson Jaehnig: This has actually been brought up now...this is the fourth meeting.

Paul Hunter: It is not immediate. It is thirty days from the final reading.

President Ertel: That is correct.

Councilperson Jaehnig: But if we wait another 14 days, it will then be 45 days. I'm in a torn situation myself. While I would like to make sure that everybody gets the opportunity to express their opinions, how many opportunities do they need?

Councilperson Wells: Why do we advertise in the newspaper to make people aware of what is going on and then not allow them to come and speak.

Councilperson Jaehnig: That is why we advertise.

Councilperson Wells: It seems silly to me to advertise in the paper.

President Ertel: Don, we did not, at all, say that he could not come to the meeting.

Clerk of Council Laura Curliss: He received his own notice because he is a special media requester along with council, by email, when you received it on Monday. He could send a representative, and Councilperson Popp was suggesting the second reading to allow him to come next time, on April 2, but he can't come then either.

Councilperson Peterson: What would be the advantage of delaying for two more weeks? If we did that on every piece of legislation because somebody couldn't be here. I mean, there are some committee meetings that even council members can't attend. We would never get anything passed.

Councilperson Wells: Should I read his email response?

President Ertel: I believe we all have it.

Councilperson Wells: I mean...there are questions in there that are legitimate.

Councilperson Jaehnig: But the questions had to do with procedure, and I didn't see a single point that was raised in regard to actual concern about the piece of legislation itself. It had to do more with procedure and proper methods than it actually did about the resolution itself. If there is a procedural issue, then that is a whole separate issue than actually whether the legislation itself should be approved. If there is a procedural flaw...if something has been done that is inappropriate...then that can be addressed separately.

Councilperson Wells: Myself...I did not say that. As he lives in the Third Ward and I represent the Third Ward, I'm trying to be fair.

Councilperson Jaehnig: I understand that, Don.

President Ertel: I appreciate your concern, and there are also committee persons who are at large who also represent that same person.

Councilperson McKay: I would ask that we would elect to find out how this is going to proceed. Let's call for the vote and we may or may not be able to do this tonight anyway.

President Ertel: Exactly. May I entertain a motion, please?

A motion was made by Peterson and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Designating a Revitalization District Within the City of Wilmington by title only.

Roll call: Jaehnig, yes; Wells, no; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes.

President Ertel: Since we have a missing councilperson, we cannot have a second and third reading tonight, but I will entertain the motion for a second.

A motion was made by Popp and seconded by McKay to give the second reading only on an ordinance Designating a Revitalization District within the City of Wilmington. Wells voted “nay.” All else present voted “yea.”

Motion passed.

Acting Director of Law Turner read the ordinance by title only.

President Ertel: Very good. We’ll have the third reading at the next council meeting. Anything else?

Councilperson Popp: No, Mr. President.

Councilperson Peterson: I have just one other comment. I appreciate that the discussion is respectful. Like Ronald Reagan said, “People can disagree, but they don’t have to be disagreeable.” I think we followed that pattern very nicely. I appreciate it. I think it is fair to discuss the topic.

President Ertel: I think we all agree with that.

Councilperson Peterson: Thank you.

President Ertel: Parks and Recreation Committee?

Parks and Recreation Committee – President Ertel: Not seeing Mike, I’m sure everything is going good for the spring.

President Ertel: Service Director?

Service Director- Larry Reinsmith: No report.

President Ertel: Thank you. Safety Director?

Safety Director – Nick Babb: Just a couple of things real quick. With this great weather we’ve been having, we’re also getting close to severe weather season, so in line with that, Governor Strickland has proclaimed March 22-28 as this year’s Severe Weather Awareness Week. In a coordinated effort with the Governor and the Ohio Committee for Severe Weather Awareness, the State, along with the City of Wilmington and Clinton County, will participate in a statewide tornado drill on this Wednesday, March 25 at 9:30 a.m. Schools, businesses and households are encouraged to practice their emergency plans and tornado drills during this time. Also our normal test, which will be on April 4, will be at 1:00 instead of noon because of the City Park’s Children’s Easter Egg hunt out at the park. We don’t want to have them panic.

Councilperson Jaehnig: Have we talked to Wilmington Schools about this?

Safety Director Babb: Yes.

Councilperson Jaehnig: And they were receptive?

Safety Director Babb: I don’t think they like it too well since the sirens are located right at the schools, especially Holmes, but I think it is important that we test the sirens.

Councilperson Jaehnig: I would hope that they would participate in the drill itself.

Safety Director Babb: I will say this. Depending on the weather on Wednesday...if the weather is shaky, we will not test the sirens. We are also testing the whole system for Clinton County as well. We have that at Wilmington Dispatch: one button that we push sets all the sirens off. So Mr. Huffenberger, if you would, put this in the paper for us. This is also on the cable channel, or will be soon. Anna is putting that on hopefully

today. If not, then tomorrow. Are there any questions? Also Rob, we are going to have an agreement with the Clinton-Highland Joint Fire District too coming up.

President Ertel: Very good. Any other questions?

Reports:

A motion was made by Jaehnig and seconded by Wells to approve the Auditor-Treasurer's Report – February 2009 as received.

Motion passed.

Report accepted as received.

President Ertel: At this time, I would like to open the meeting up for members of council and/or the general public to address council while in session. We have a young lady who has already called ahead that she would like to speak. Come forward, please.

Dessie Buchanan: Dessie Buchanan; 1185 McKay Road, Wilmington. I am speaking on behalf of Energize Clinton County. On March 28, 2009, at 8:30 p.m. tens of millions of people around the world will be joining together for a short period of time to demonstrate a shared focus on energy by turning off the lights for one hour. Earth Hour is designed to remind us that by working together, we all have a role to play in solving one of the most critical issues of our time. Energize Clinton County is currently organizing a community-wide effort for Wilmington to participate alongside many other towns and major cities in this international event. Energy efficiency is a vital source of cost savings for both homes and businesses, and Earth Hour is a very simple, yet effective, way of drawing the community together when cost savings and community are especially needed. To provide a local experience for citizens, it is our goal to have as many individuals and groups participate in this event as possible by planning to turn down lights for just one hour from 8:30 to 9:30 p.m. So far, we have commitments from nearly 20 local businesses that will be participating in various ways by turning off or dimming down nonessential lights or holding candlelight dinners at their respective restaurants. It is our hope that the City Government will follow suit and commit to participate in this truly community-wide event by turning off nonessential lights in City Hall for at least one hour between 8:30 and 9:30 p.m. Saturday, March 28. Your public participation would be greatly appreciated. I do have this letter. If any of you feel comfortable signing and stating that you approve.

Mayor Raizk: Do you want it all on one?

Dessie Buchanan: I have the...

Mayor Raizk: Oh, you have the master.

President Ertel: I was going to say, if it would help your effort, we could also pass a resolution possibly to do the same.

Clerk of Council Laura Curliss: You can do it and I will create it later.

Councilperson Jaehnig: Can I ask which restaurants are doing candlelight dinners that I could go to and eat with my wife.

Dessie: Right now we have Generations, El Dorado, and Donatos committed. We are working on the Mediterranean still. We are also having events downtown for the community, including at General Denver, Get Fit, and Jen's Deli.

Councilperson McKay: We are having a show at the Murphy Theatre that night, and we are talking about turning off the major part of the marquee for that hour.

President Ertel: If it would be in agreement with council, we could pass a resolution of support. We are still in session. If anyone makes that motion, we could second and pass it and Laura can...

Councilperson Jaehnig: I would like to make that motion that we support this wholeheartedly.

A motion was made by Jaehnig and seconded by Peterson on a Resolution of Support for Energize Clinton County.
Motion passed.

President Ertel: Very good. A resolution has been passed to support Energize Clinton County and certainly all of the people in this particular effort – in Earth Hour. The resolution will say words to that effect.

Dessie Buchanan: I appreciate it. Thank you.

President Ertel: Thank you. Are there any other persons wishing to address council while in session? Thank you so much for coming, Dessie, and your troupe there.

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

A motion was made by Peterson and seconded by Jaehnig to recess until 7:30 p.m.
Motion passed.
Council recessed until 7:30 p.m.

COUNCIL – SPECIAL – RECONVENE 7:30 P.M.

March 19, 2009

Wilmington City Council reconvened on Thursday, March 19, 2009, at 7:30 p.m. with Councilman Rob Jaehnig presiding.

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

President Fred Ertel, absent; Mayor Raizk, absent; Auditor Hollingsworth, absent; Law Director Hapner, absent.

Clerk of Council Laura Curliss: Just for the record, most of them are at the Wilmington High School boy's basketball game, which is being played in Cincinnati. It is the first game of the regional competition in the state boy's basketball game. We wish them luck. Go ahead, Mr. Jaehnig.

Councilperson Jaehnig: We have just reconvened our city council meeting for the first public hearing regarding the city's 2009 CDBG Program presented by Mr. Whitaker Wright of CDC of Ohio, Inc.

Councilperson Jaehnig opened the public hearing on the 2009 CDBG Program.

Whitaker Wright: Thank you, Councilman Jaehnig. This is the first public hearing for Wilmington's 2009 CDBG program. The CDBG Small Cities Program, which is operated under the vestiges of Ohio Department of Development, offers small communities like Wilmington a number of opportunities for funding. These include housing programs, including the Community Housing Improvement Program Grant. These are half-million dollar, two-year grants. The application is due at the beginning of May each year. There are also particular programs that are geared to the local Community Action Agency, including the Housing Assistance Program and the CHDO Operating Fund Program. In addition, there is the Housing Development Assistance Program that is offered to Community Action through the Ohio Housing Finance Agency. In addition, there are shelter and supportive housing programs. Clinton County Homeless Shelter is very much a part of that. It is now an RFP program done on, I believe, an every-other-year basis, and they have been consistently successful in obtaining grants. On a more limited basis is the HOPWA program, Housing for People with AIDS, in Ohio goes only to designated nonprofits, primarily in the large metropolitan areas. There are also community development programs. The primary one for small cities is the CDBG Block Grant Formula Program. The City of Wilmington is

eligible for \$50,000 each year. The application is due at the end of June. Typically, the city has done a variety of kind of interesting programs in the last few years. They have worked on parking lots. They have assisted the Homeless Shelter and one of the local daycare centers. They are currently, as you know, redeveloping the Little Giant property. This year they will be installing handicap ramps throughout the city. Planning for that is through the Mayor's office. There are also some economic development programs. Those focus primarily on low and moderate-income employment creation and retention. Those economic development programs are generally open to cities and counties in their economic development offices on an open-cycle basis. There is the comprehensive downtown program. The City of Wilmington ran a successful one a couple of years ago. The Tier I grant is for planning. That is about \$15,000 to help organize a more thorough Tier II program application. We submitted a Tier I planning grant in 2006. The City employed Poggemeyer Group to develop plans for the Sugartree Corridor. I suspect that the City is intending to apply for Tier II grant. Those are the larger \$600,000 programs to help bring some of the initial planning for Sugartree to fruition. There are also the Microenterprise Loan Programs and the state's Discretionary Grant Program, which typically funds unique projects for targeted opportunities across a variety of programs. An example of that is the state gave \$48,000 to help the Little Giant Project. Generally, there are several ways that a community can qualify its programs to meet the national objective so it is eligible. One is that the area of benefit is designated as low and moderate income by the Census Bureau 2000 Census. A second way is to do a door-to-door local survey or a building survey, which is what the City did in 2004 for the Downtown Redevelopment Area. The third way is the direct benefit. Typically, the Housing Grants and the CHIP Program are done on a direct-income qualified basis. The fourth way is through LMI, which would be considered by HUD to be a limited clientele: senior citizens, abused children, battered individuals, the handicapped, the homeless, illiteracy, and migrant farm workers. The other ways include economic development (someone is being hired) or area qualifications for slum and blight or spot slum or blight. At the end of the second page, I included a table which shows the current 2009 definitions for low and moderate income in Clinton County. For a household of four to be considered low and moderate income, the household has an income at or below \$49,750. I open the floor for questions.

Clerk of Council Laura Curliss: Did you say how much you think the City might get for CDBG Formula this year? Do you have any idea how things are going with the federal government?

Whitaker Wright: I don't. I know we will get at least \$50,000. I am really, really hoping that if Congress and the new administration are going to put a lot more money into CDBG, the communities may see more. I think the state would like to do that, but they don't...

Councilperson Jaehnig: Do you have to ask for that in advance, or will it just happen?

Whitaker Wright: The Obama Administration has effectively said that it is going to fully fund CDBG at the level that it was in 2000...at the last Clinton budget...which is probably about twice what it is now. There has been a lot of back and forth email. I know the various community development groups nationally have talked a lot about it. The American Planning Association has talked about it, so I am hopeful that it is going to happen. I don't know how that is going to filter down locally. The fact that it is March and the City has not gotten a letter saying "You're allocation will be..." gives me a little hope that it is going to go up. As we do annually, the city has project proposal forms that are available in the Mayor's office for anyone who cares to submit a project.

Clerk of Council Laura Curliss: In the past several years, the City has used our meager \$50,000 to do a lot of curb ramps...just handicap curb ramps. Believe me, we could certainly use it up for the next several years just doing handicap curb ramps. It just is not a lot of money at \$50,000. It would be nice if it got doubled.

Councilperson Jaehnig: How many curb ramps does that get us?

Whitaker Wright: It does a lot. I think we put in for 24 this year.

Councilperson Jaehnig: Okay. That is not as bad as I was afraid it might be.

Clerk of Council Laura Curliss: It depends on the curb ramp and where it is and what other improvements have to be made.

Councilperson Jaehnig: And what you find under it.

Councilperson Jaehnig asked if there was anyone else who wanted to speak to the public hearing.

Councilperson Jaehnig closed the public hearing.

Councilperson Jaehnig asked if there was anyone else who wished to address council while still in session.

Amanda Grimm: I am a business owner in the area here. We are located at 55 W. Main, right across from the Murphy Theatre. We are a nutrition center. We have smoothie-style shakes that taste great and are meal replacements. Our goal is to really show that you can make healthier options. We are open for breakfast and lunch from 7:30 to 3:00 every day. The idea is to have a smoothie as a meal replacement shake. It is really good. We could talk about all of the nutrition stuff, but [inaudible]. They taste great, and that is the important part. You are giving your body good stuff instead of the quarter pounder and French fries that most people typically have for lunch every day. It is only \$4.50. You can come in and get a 16-ounce smoothie, a 12-ounce green tea, which is great for you, and also a shot of aloe for the digestion. I'm just getting the word out here to let everybody know a little bit more about what we are. I hope to see you all soon. I have [inaudible] shakes for everyone.

Councilperson Jaehnig: Are you saying you get all three?

Amanda Grimm: You get all three every time.

Councilperson Jaehnig: That's a good deal.

Amanda Grimm: The business is called "Shake Those Pounds." You can use the products to lose weight or just for healthy nutrition. I personally dropped 50 pounds with the shakes. We have helped millions of people lose weight. We are on a new million-pound mission. We all are keeping track of how much weight everyone loses because we're going to hit over a million pounds lost here over the next couple of months. That is a little bit about what we do. The biggest thing...if I could leave everybody with one thing...it is a great healthy meal that is the same price as the fast food that you eat and it is a lot better for you.

Councilperson Popp: Do you have nutritional information?

Amanda Grimm: What I brought with me today...I got a couple [interruption in transcription – tape end] a menu of all of the different flavors that we have. We have 23 flavors, so everyone can always find one that they like. Most of the time it is the whole menu that they like. If you do come in, I can get you some more specific stuff.

An unidentified speaker asked about sugar content.

Amanda Grimm: That's a great question. Probably the biggest questions are from diabetics, because a lot of people have diabetes. The sugar equivalent is about the same as a small piece of fruit for anybody who is diabetic. We use sugar-free everything. We use sugar-free pudding in there. The shake mix itself has nine carbohydrates. It also has four grams of fiber, so they are very good for anybody who is watching their sugar, cholesterol, sodium, you name it. They are high in protein, high in fiber, low in calories, low in fat, low in sugar, and low in cholesterol.

Councilperson Jaehnig: I appreciate you coming and I appreciate your investment in the city.

An unidentified speaker asked if you eat it there or take it with you.

Amanda Grimm: You can really do whatever. This actually works out perfect, too, with the downtown initiative. The idea is really to bring a sense of community. We are going to have different events and things just to teach people about different wellness topics, but it is up to each individual. I know people have busy schedules. They can get it and walk out with it...everything comes in Styrofoam cups so you can get it to go...but we do have the option to sit in there. It is more like a family room...we have a couch and a table. It is not like a stale restaurant.

An unidentified speaker asked if they could put it in Styrofoam cups.

Amanda Grimm: Well, what I am doing. I actually have a "Go Green" initiative. We have plastic cups that are washable and reusable, and some of my regular customers bring in their plastic cups every time so we don't have to worry about the Styrofoam issue. The main reason for Styrofoam is cost.

[Discussion about Styrofoam versus plastic]

Councilperson Jaehnig asked again if there was anyone else who wished to address council while in session.

Seeing no one wished to speak, Councilperson Jaehnig asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, April 1, 1999, with President David Raizk presiding.

Roll Call: Hockaday, present; Claibourne, absent; Snarr, present; Raizk, present; D. Mongold, present; S. Mongold, present; Yovich, present.

Sergeant Noland was also present.

A motion was made by Raizk and seconded by Hockaday to excuse the absent member. Motion passed.
Absent member excused.

President of Council

A motion was made by Yovich and seconded by Raizk to approve the minutes of March 18, 1999, regular meeting as received. Motion passed.
Minutes approved as received.

President Raizk stated that his first act of business would be a public hearing for accepting applications and placing farmland in agricultural districts. He stated that this was for the acreage in the city that has been annexed or is in agricultural use. He said that there were three applications for CAUV, which were applied for with the county.

He opened the public hearing.

There were no public comments.

President Raizk closed the public hearing.

President Raizk stated that he had a first reading on a resolution approving applications and placing farmland in agricultural districts.

A motion was made by Raizk and seconded by Hockaday to give the first reading only on the Resolution Approving Applications and Placing Farmland in Agricultural Districts. Motion passed.
Director of Law read resolution by title only.

President Raizk asked Law Director Gano if there was a time restriction on these applications.

Judy Gano replied that she knew of none.

President Raizk requested that the second and third reading be on the agenda for the next meeting.

President Raizk announced that there would be a public hearing on Thursday, May 6, 1999, for the rezoning of the Cincinnati Milacron property, from I-1 to R-1.

Mayor

Mayor Eveland stated that he had three readings on a resolution authorizing the filing of applications for Victims of Crime Act and State Victims Assistance Grant Act through the Office of the State Attorney General and the Edward Byrne Memorial Grant through the Office of Criminal Justice Services. He said that the premise of this grant would create through the Law Director's Office a victim/witness advocate program.

Judy Gano stated that the grant would give the program a total budget of \$61,300.45, and would require a 25% match from the city of \$15,325.11 making the grant \$45,975.34. She said that these funds would allow the city to hire one person to run a victim/witness advocate program. She stated that this person would give assistance to victims and

witnesses with court proceedings and any other pertinent aide.

Councilman Hockaday stated that he had looked into this program and felt it would be useful to the city, to assure all involved in court proceedings understood them, as they could be overwhelming.

Councilman Mongold asked if this person had to have a college degree to perform this job.

Judy Gano stated that she would prefer the person held a degree, but they would only be paying \$12.00 an hour. She said that good people skills would be an important quality, as it would be important to be sympathetic and objective. She stated that she had spoken with Bill Peelle about having only one office in Clinton County to cover both misdemeanors and felonies.

A motion was made by Hockaday and seconded by D. Mongold to give the first reading only on the Resolution Authorizing the Filing of Applications for Victims of Crime Act and State Victims Assistance Grant Act Through the Office of the State Attorney General and the Edward Byrne Memorial Grant Through the Office of Criminal Justice Services, and Declaring an Emergency.

Motion passed.

Director of Law read resolution by title only.

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

Roll call: Hockaday, yes; Snarr, yes; Raizk, yes; D. Mongold, yes; S. Mongold, yes; Yovich, yes.

Motion passed.

Director of Law read resolution by title only.

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

Roll call: Hockaday, yes; Snarr, yes; Raizk, yes; D. Mongold, yes; S. Mongold, yes; Yovich, yes.

Motion passed.

President of Council declared Resolution No. 1525 passed as read.

Mayor Eveland stated that there would be a Y2K meeting held on April 7, 1999 for all elected officials in the county, to give an update on Y2K and the readiness of the city.

He said that vouchers for cab rides had been discussed with Chris Webber and Geoffrey Phillips, for potential funding sources, such as CDBG funds. He stated that there were citizens that were missing doctor appointments, due to lack of transportation and they were looking into different programs to alleviate this type of problem.

He stated that the Health Department Advisory Committee held their annual meeting on the previous Tuesday. He said that the purpose of the meeting was to review the operations of the Clinton County Health Department. He said that Clinton County is always one of the top three counties in a five or six state area for the number of colon/rectal cancer diagnosis, but they were told it was a result of "statistical anomaly", which he was no longer willing to accept that.

He said that the city was also continuing meetings with Southern State Community College, and that they were going to have a ground breaking for their new facility on April 14, 1999 at 4:30 p.m. He said that most issues concerning utilities were resolved, with a contractor installing the lines.

Auditor - David Hollingsworth - Not present.

Asset, Acquisition and Use - Chairman Hockaday stated that they had a first reading on an ordinance accepting an application for annexation of 46.064 acres of land, more or less (Community Improvement Corporation of Wilmington). He stated that the Wilmington CIC had entered into an agreement with a group of developers to develop acreage on the

corner of Fife Avenue, Olinger and David Drives. He said that the development requires access to utilities, which necessitates annexation into the city. He said that the county was in favor of the annexation.

David Bailey, President CIC, stated that they felt this annexation would enhance not only their development, but the City of Wilmington as well. He said that the CIC also appreciated the cooperation that the city government of Wilmington has provided to them.

A motion was made by Hockaday and seconded by Yovich to give the first reading only on Ordinance Accepting Application for Annexation of 46.064 Acres of Land, More or Less. (Community Improvement Corporation of Wilmington)

Motion passed.

Director of Law read ordinance by title only.

Hockaday requested that the second reading be on the agenda for the next meeting.

Mayor Eveland thanked David Bailey and CIC for their cooperation with the easements for the Southern State utilities.

Finance Committee - Chairwoman Mongold stated that she had a first reading on an ordinance making supplemental appropriations. She said that they were requesting \$100,000 be transferred from the general fund to the recreation fund. She said that these funds would be used for improvements in the park system.

A motion was made by S. Mongold and seconded by Snarr to give the first reading only on Ordinance Making Supplemental Appropriations.

Motion passed.

Director of Law read ordinance by title only.

Mongold requested that the second and third readings be on the agenda for the next meeting.

Chairwoman Mongold stated that she would be scheduling a meeting between the Parks & Recreation Committee and the Finance Committee. She was asked to look into April 12, 1999.

Water Committee - Chairman Hockaday stated that his committee had no legislation before council.

Solid Waste/Recycling Committee - Chairman Snarr stated that his committee did not have any legislation before council that evening.

Wastewater/Sewer Committee - Chairman Raizk stated that his committee did not have any legislation before council that evening.

Street Committee - Chairman Yovich stated that his committee had no legislation before council.

Judiciary Committee - David Raizk stated that this committee had no legislation before council that evening.

Safety Committee - Councilwoman Mongold stated that their committee had two items before council. She said that the first was a second reading on an ordinance amending Ordinance No. 2582 for various sections of 125 of the Codified Ordinances. She said that this amendment would change the structure of the Fire Department.

A motion was made by S. Mongold and seconded by Hockaday to give the second reading only on Ordinance Amending Ordinance No. 2582 Being an Ordinance to Amend Various Sections of Chapter 125 of the Codified Ordinances.

Motion passed.

Director of Law read ordinance by title only.

S. Mongold requested that the third reading be on the agenda for the next meeting.

She stated that there would be a Safety Committee Meeting on April 6, 1999 at 6:30 p.m.

She said that she also had a first reading on an ordinance amending Ordinance No. 3646 establishing compensation for intermittent firefighters and emergency medical technicians. She said that the Safety Committee had reviewed these pay steps.

A motion was made by S. Mongold and seconded by Snarr to give the first reading only on Ordinance Amending Ordinance No. 3646 Establishing Compensation for Intermittent Firefighters and Emergency Medical Technicians.

Motion passed.

Director of Law read ordinance by title only.

S. Mongold requested that the second reading be on the agenda for the next meeting.

Councilman Hockaday asked why there was a maximum listed in Ordinance No. 2582(g) and he asked Chairwoman Mongold to look into that.

Mayor Eveland responded that the original intent had been to limit for financial reasons only.

Chairwoman Mongold stated that they would bring it up for discussion in the meeting and have an answer at the next council meeting.

Service Director - Larry Reinsmith stated that the water plant would have the walls and fillers poured soon. He said that all of the pipe had been delivered for the pipe bursting project, and they were waiting on the delivery of the man-hole covers. He said that the contractor doing the bridge work had the abutments poured. He said that Barrett Paving felt they should be able to start the excavation of the Rails to Trails project very soon.

He said that they had done a face lift at the Senior Center and it was 90% finished. He said that street painting lines and crosswalks were about to begin, with some of the lines badly faded. He stated that a bid had been let to John R. Jurgensen for the street paving, with a pre-construction meeting towards the end of April and the job beginning in May. He stated that the plans did not call for therma plastic paint to be put down on the asphalt, but he was checking with ODOT on the price difference, because therma plastic paint lasted longer.

Councilman Hockaday asked about improvements possibly being done to the Main Street/Wayne Road intersection.

Mayor Eveland stated that Yovich had the plans and was waiting for the committee to come back together.

Councilman Hockaday asked if any improvements could be done before any repaving is done.

Mayor Eveland asked Mr. Reinsmith to give a brief update on the tank replacement.

Mr. Reinsmith stated that the underground tanks had been removed and the city was now using above ground tanks at the city garage. He said that one sample had been pumped out and it came back good, and they had a second out for testing. He said that if the second came back good the hole could be filled back up. He said that the problem came when remaining fuel in the tank was pumped out into a drum that leaked.

Safety Director - Becky Rauch not present.

Reports

A motion was made by S. Mongold and seconded by S. Mongold to accept the Wilmington City Income Tax Report as received.

Motion passed.

Report accepted as received.

President Raizk asked if council had any further comments.

There were none.

President Raizk opened the meeting to the public.

Paul Hunter, 200 Randolph Street, stated that the stream behind McDonald's was a mess with old fence and trash.

Councilman Raizk replied that problem was at the top of Larry Drosch's list for the Parks & Recreation Committee.

Mr. Hunter stated that he was worried about kids wandering out there from the park. He said that he also wanted to ask about the legislation de-regulating electricity, and the city losing its bargaining tool for getting good electricity rates.

Mayor Eveland responded that there were a number of private industries and businesses that were following the models of other areas that were further along in de-regulating. He said that the next step would be to send sample bills out.

There were no further citizen comments.

A motion was made by Hockaday and seconded by Raizk to adjourn to Executive Session to discuss personnel.

Roll call: Hockaday, yes; Snarr, yes; Raizk, yes; D. Mongold, yes; S. Mongold, yes; Yovich, yes.

Motion passed.

The meeting adjourned to Executive Session.

A motion was made by Hockaday and seconded by Snarr to reconvene the meeting.

Roll call: Hockaday, yes; Snarr, yes; Raizk, yes; D. Mongold, yes; S. Mongold, yes; Yovich, yes.

Motion passed.

The meeting reconvened.

A motion was made by Yovich and seconded by Snarr to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk of Council.

Wilmington City Council met on Thursday, April 2, 2009, at 7:30 p.m. with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President Ertel: I am sure a few of you, maybe not all of you, probably have questions about why we're dressed up. We're actually in *The President's Last Hours*. I will start with Robert Lincoln. Introduce yourself...actor and real life name.

Andrew Fithen: I play Robert Lincoln. My name is Andrew Fithen. Of course, you probably know my dad.

Clerk of Council Laura Curliss: I'm Laura Curliss, and in the play, I am just one of the crowd at Ford's Theatre when *Our American Cousin* plays on Lincoln's last day of life.

Julie Schanda: My name is Julie Schanda. In the play (and don't misconstrue this) I play a streetwalker, a lawyer and part of the crowd. I work for the City of Wilmington.

Dakota Beireis: My name is Dakota Beireis, and I play a soldier that guards the president when he gets shot.

Ron Fithen: I'm Ron Fithen, and I actually play dual roles. I'm Thomas Crook, who plays Lincoln's personal bodyguard, and I also play Surgeon General Joseph K. Barnes, who actually removes the bullets from the president when he is shot.

Julie Schanda: Our play is featured on Friday night at 8:00, Saturday night at 8:00 and Sunday at 2:00 p.m., and we would love to have you there.

President Ertel: Very good.

Mayor Raizk: You didn't tell us what you were doing.

President Ertel: Actually, I just dress this way...No, I'm actually in the play also. I play Mr. Ford...Henry Clay Ford...who actually owns the theatre, so you are all invited to my theatre. Also, I play General Haynie, who is from Illinois. Governor Oglesby, played by Mack Fife, and I interact with the president just before they go on the carriage ride. So it is quite an interesting experience being involved on stage. Everyone is doing a great job, too. I think it is wonderful. So, please join us, as Julie said, on Friday, Saturday, and Sunday.

Julie: Thank you for having us.

[Applause]

President Ertel: Thank you so much for that. I will be able to stay with us until about 8:15, so at that point, that is my call. Let's move right ahead.

A motion was made by Wells and seconded by McKay to approve the minutes of the last special meeting, March 19, 2009, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Mr. Jaehnig. "The Big Cut."

Councilman Jaehnig: Now the team shows up. Come on in, gentlemen, and have a seat.

President Ertel: Yes. Come right on in. There are plenty of seats.

Councilman Jaehnig: We are officially announcing tonight, for lack of a better word, a new event or a new project that is going to be taking place. Once the team comes in...Connie is in the back room and she has put together a beautiful logo for our event. Basically, we are coming into spring. Springtime is about new beginnings; it's about clean starts – spring-cleaning. It is when the job market tends to improve at that particular point. As a hiring manager, one of the things I always notice is once people are out of work for a while; they start to look a little bit shaggy. The longer they are out of work, the shaggier they tend to look, because one of the things they don't do is pay for a lot of haircuts at that point. They skip them or so forth. In an effort to make sure that our citizens are ready for employment as the interviews start to pop up and the job opportunities start to pop up, we're going to be putting on "The Big Cut" on May 3, which is a Sunday. We have worked it out with the State Director of Cosmetology and some salons and schools to bring in between 150 and 200 stylists into Wilmington High School. We are going to be offering haircuts. We're hoping for between 2000 and 2500 people in a single afternoon. According to our contacts at the state and doing our own research, an event of this size has never been attempted. We've search Guinness Book and we've searched the web for these types of things, and there is nothing that has ever popped up, so we are going to be calling it a world record event...a world record attempt. We will send it into Guinness to see if they will actually qualify it after the fact.

Councilman Jaehnig: The point is to bring in those who are unemployed and need a little bit of help to get cleaned up, and their families. We will be working on a voucher system – similar distribution to when Feed the Children was here. We will be working with the Transition Center much heavier than we did last time, but we will also be working with Our Father's Kitchen, Community Action, the schools, and those types of agencies. The vouchers, once they are passed out, help us meet the legal requirement of notification that anybody that shows up must show up with freshly washed, clean hair. These are state regulations, since we cannot shampoo. We need to meet that. We can put on the back that we cannot handle anybody with any type of extra friends riding along, which is another state requirement, that we do not handle anybody of that nature.

Councilman Jaehnig: We have had quite a few step up to help us in regard to this. Carousel Beauty College is going to be sending their students down. They have five schools. Laurel Oaks is going to be sending their students over. Brenda Mahoney from Brenz Salon is going to be working with Locks of Love for us. We've been working with them. They have said, according to their records, the largest single collection that they have had on a single day was 47. With 2500 cuts, we're expecting to be able to easily break that. Divine Image has already signed up to be some of our stylists, so it is an exciting event. The college is going to help with volunteers. The high school, the FFA, National Honor Society and Student Council will all be helping us also. We will need about 150 volunteers besides, so it is going to be a real good point. Waring Office Supplies is going to be supplying us with the vouchers. Kroger and Generations are going to help feed the stylists and the volunteers. It is a true community effort.

Councilman Jaehnig: The really nice thing is that we will have an opportunity to get the community looking good as we move into spring and ready to take advantage of job opportunities as they come up. At the same token, we will be able to keep the spotlight on the creativity of what we are doing here, the way that we take care of each other. We've been talking with national news. Sixty Minutes is looking at coming back to add this to their September recap of how the city is doing and things like that. It is a good opportunity for us to continue to tell our story and to continue to talk about the great people that are in our community and how we work very hard to take care of each other. It is just really an excellent opportunity to work together. So I put out the word that anybody who owns a salon, anybody who is a licensed stylist or cosmetologist or barber and you want to participate, please, please get a hold of me. We would love to add you to the list. The school district has been wonderful in helping us work out of their facilities. We are really looking forward. Connie, if you want to show them the logo. This is the logo we will be working under. If you happen to own a T-shirt shop or you

have about \$1500 and you would like to donate T-shirts, we would love to have some T-shirts. This is our logo. Can you hold it up?

[Banter/General Approving Comments Regarding Logo]

Councilman Jaehnig: Again, it is not about us. It is not about the people who are volunteering. It is about doing the right thing for the community and that is really why everyone is involved. It is amazing, because literally we're only about 10 days into putting this together and it has come together very, very quickly. It is something the community should be very proud of – the attention and the ownership that we take in making sure we take care of each other.

President Ertel: Very good, Rob. Great job. Very nice. Very nice. We have just been joined by the Wilmington Basketball Team. Welcome to Wilmington City Council. I am Fred Ertel, President of Council. I normally do not look like this. I am actually in the play. You are all invited to the play that is coming up this weekend...*Lincoln's Last Hours*.

President Ertel: Okay. The Grand Opening of the South Street Gallery is scheduled for Friday, April 3 at 4:15. If any of you have been past there lately, there is a lot of activity going on. It looks superb on the inside. It looks just superb. So that is the South Street Gallery located just a couple of doors down on South Street, Friday, April 3 at 4:15 in the afternoon. Okay. That does my portion. Mr. Mayor?

Mayor. Mayor Raizk: Thank you, Mr. President. I have some more good news. There has been nothing better for this community, in my opinion, than the run that the Wilmington High School Hurricane Basketball Team had this spring, especially to a community that was desperately looking for some good news. You gentlemen certainly gave it to us. We are very happy and thankful to you for that. I have a proclamation and I am going to call you all up here. We'll make sure we got everybody. Coach Wallace, would you like to assist me?

Mayor Raizk: Brandon Arehart, Justin Arehart, Jordan Berlin, Kyle Blakeman, Brady Camp, Michael Graham, Lorenzo Harris, Malcolm Heard, Tyler Hodge, Craig Osterbrock, Quinten Rollins, Kirby Seeger, Casey Spriggs, Nyles Williams.

Mayor Raizk: I would love to introduce now the coaches: Head Coach Mike Noszka and Assistant Coach Tony Berlin, and Coaches Brian McMonigle (Brian is not here?), David Washington, and Zach Williams (Zach is here), Manager Scott Liermann (Scott knows his way around a gymnasium), and the voice of the Hurricanes over in the back there, Bill Liermann.

Gentlemen, you had just an outstanding season...it was terrific. The best season really in the history of Wilmington High School...certainly equaling, I guess, the 1927 team. I'm not sure if there is anybody around still from the 1927 team, so we can kind of say what we want.

[Unknown speaker]: Ertel.

President Ertel: Thank you. I was on that team.

[Laughter and banter]

Anyway, I want to read this proclamation:

WHEREAS Wilmington High School Boys Basketball team deserves to be congratulated on a terrific 2008-09 season and the citizens of Wilmington recognize them for the following accomplishments; and

WHEREAS, the Wilmington High School Boys Basketball team has brought honor to the school and the community as 2008-2009 FAVC Champions and District Champions with a 21-3 season. They set a school

record for victories in a single season and entered the Div. II Regional Semifinals as one of the best Division II teams in Southwest Ohio. They advanced further than any WHS team had in the last 82 years; and

WHEREAS, this winning team was made up of the following members: Brandon Arehart, Justin Arehart, Jordan Berlin, Kyle Blakeman, Brady Camp, Michael Graham, Lorenzo Harris, Malcolm Heard, Tyler Hodge, Craig Osterbrock, Quinten Rollins, Kirby Seeger, Casey Spriggs, and Nyles Williams, Certain players distinguished themselves this season with excellent sportsmanship and accomplishments on the court, including Jordan Berlin, Craig Osterbrock and Quinten Rollins who were voted 1st Team FAVC with Jordan Berlin also named co-player of the year in the FAVC Conference; and

WHEREAS, the leadership of the coaches was key to this year's success. This winning team was led by Head Coach Mike Noszka, Assistant Coach Tony Berlin and Coaches Brian McMonigle, David Washington and Zach Williams.

NOW, THEREFORE, I, DAVID L. RAIZK, Mayor of the City of Wilmington, Ohio, do hereby designate Thursday, April 2, 2009, as

“WILMINGTON HIGH SCHOOL BOYS’ BASKETBALL FAVC CHAMPIONS DAY”

Mayor Raizk: Witness, and we encourage everyone to celebrate in your accomplishments. Thank you very much.

[Lengthy Applause and Congratulatory Comments]

President Ertel: Anything else?

Mayor Raizk: Fred, I won't take too long because I know you're on a short schedule. There really can't be any better news than having those guys up here. I would like to say that you read in the paper that we received through the Ohio Department of Transportation some of the stimulus money for ODOT. The total of that award for our two major street projects and rehabilitations is 5.1 million dollars. Some of the numbers were a little bit nebulous and Larry spent this morning/yesterday afternoon in Lebanon getting all of the details worked out. These are, unlike our prior ODOT projects, fully funded, so there is no match, which will help us tremendously. Because the money that we had really pledged to match for the Urban Paving Project can now be used to work on some other much-needed street projects. We are very excited about that and certainly thank all of the folks who worked very hard on that. Staff worked extremely hard. We thank the Governor and Dave Daniels and John Carey and all of those folks who were out there pitching for us. We appreciate that. That's all I have. Thank you.

President Ertel: Thank you. Very good. We will move into committee reports. I know a lot of people here are probably interested in one of our final ones, which is the Downtown Revitalization Committee, so I would entertain a motion to bring that to the floor, please.

A motion was made by McKay and seconded by Popp to hear the Downtown Revitalization Committee report first.

Motion passes.

Downtown Revitalization Committee report moved up in agenda order.

Downtown Revitalization Committee - Convener Leilani Popp: Yes. We have the third reading this evening on an ordinance designating a revitalization district within the City of Wilmington. I understand that there are people here who would like to speak on this, council members as well as people in the audience.

Councilman McKay: Yes. I have a comment. We all received a letter, I believe, from Bob Beck. Bob could not be here tonight. Many of us know Bob; we attend church with him and so forth. He is a highly respected member of our community. He had some concerns about this issue and put them in a letter. He is very sincere in his concerns. I called him last night and talked with him, and he understands what this is about. He was very appreciative that it would only take place in a restaurant-type atmosphere. He also knows that any license that is requested, of course, has to go through normal channels. I did tell him that we would bring this forward so that everyone could hear his concerns. Like I said, we all got a copy of this. If anyone in the audience wants to see it, you are certainly welcome to.

Councilwoman Peterson: If I may, please, I also spoke to him. His concerns were related, in my understanding, that there are some Alcoholics Anonymous meetings in the downtown area. He readily conceded that there are meetings throughout the Clinton County area. Both Bob and I have relatives that are alcoholics. In fact, both of them have passed away because of that, so we both have a unique perspective. I also received three phone calls with regard to this matter. One was about issues that in many ways are unrelated to this. In fact, I'm going to reach out to Main Street, but I think there is some interaction that needs to occur between a couple of businesses downtown. Another caller just basically needed additional information from an historical perspective with regard to this matter. Another one was from a business that actually wants a liquor license.

Councilwoman Popp: I also spoke with Mr. Beck and talked about receiving the letter. We had a lengthy conversation. He voiced his concerns [inaudible for transcription].

Scott Kirchner: Councilwoman Peterson, did any businesses, since you represent the Second Ward and there are a number of businesses out there that would be affected by this, did any of those businesses indicate concern for their business' wellbeing; concern that we are creating additional competition in an already difficult economic environment for them?

Councilwoman Peterson: No.

Scott Kirchner: Okay. Thank you.

President Ertel: Are there any other comments?

Councilman Wallace: Mr. Ertel. I also received a couple of phone calls concerning this...on each side of this incident...so there are people there equally in my district that are equally not for any more alcohol permits in the downtown as well as think it is necessary as well...to help support our restaurants as well.

Councilman Wells: I have one question. Will these establishments be serving alcohol until 2:30 or is there a limit on the hours.

Councilman Jaehnig: My understanding is that is designated by the actual Liquor Licensing Board. What we are doing, the Revitalization Zone, only opens up the opportunity to possibly get another license. They still have to go through the normal application process and so forth. There is no guarantee that there will be a license issued; it just opens up the opportunity and opens up the opportunity to sell that same area as a Revitalization Zone, allowing you to approach the revitalization of the area in a different manner that we have approached it in the past.

Scott Kirchner: Councilman Jaehnig, do you have information regarding the question of how late alcohol will be served?

Councilman Jaehnig: Do I what?

Scott Kirchner: Do you have information relating to Councilman Wells' question on how late alcohol will be served?

Councilman Jaehnig: Those determinations would be made by the State Liquor Licensing Board.

Scott Kirchner: So the City will give up all opportunity to restrict that at this point with this downtown revitalization?

Councilman Jaehnig: My current understanding is we do not have the authority to restrict it now. It will be the same restrictions that everybody else falls under at that particular...

Scott Kirchner: So currently five permits allow serving up until, what was it, 2:00 or 2:30.

Councilman Wells: Around 2:30.

Mayor Raizk: The permits that are involved in this legislation are not traditional D5's. They are called D5-L's and they are restricted to a food service license. Now, a traditional D5, you know, you can meet that standard by a microwave and a coffee pot. But the D5-L, which is a different license, requires that 75% of the revenue comes from food, so it is strictly going along with a restaurant rather than... Typically, those establishments do not stay open as late as the others. Now, I don't know what the restrictions are. You would have to talk to the State Board of Liquor Control, but that is typically what happens because the D5-L designation is a little different.

Councilman Wells: What I could find out on my own, is it appears that they can stay open until 2:30. On our historic zoning...our closing hours would not apply to these establishments.

Councilwoman Mongold: I thought we applied hours in the Historic District . . the zoning that we changed in the H-1.

Councilman Jaehnig: The state regulation would not supersede the Historical District regulation. The city regulation can restrict; it just cannot expand. The Historic District regulations would still supersede.

Scott Kirchner: So can council indicate what time those businesses would be required to close in the Historic District?

Councilman Jaehnig: Whatever the current Historical District requirements are...and I'm sorry, I don't...

Councilman Wells: If you read, it says midnight, but it does not apply to people who have liquor licenses.

Scott Kirchner: It specifically indicates that in the Historic District.

Councilman Wells: That is what I read.

Councilwoman Mongold: I believe [inaudible for transcription]

Scott Kirchner: So you are indicating that this Historic Code actually does not apply to liquor serving establishments? So the H-1 District does not apply?

Councilman Jaehnig: I am not aware of that.

Mayor Raizk: There is some kind of difference in there, but I can't remember what it is.

Law Director Hapner: If it was sitting right in front of me, I could read it and give you a legal opinion right now, I just don't have it in front of me. If the Historic District zoning is midnight, then it is going to be midnight, unless the Historic District zoning has made an exception for facilities serving alcohol. But I don't have it in front of me, so I can't tell you.

Councilman Wells: Yes. Right in there is says it is midnight except for liquor license establishments.

Law Director Hapner: But whatever the restrictions of the H-1 Historic District are, those don't change. Whatever the restrictions or exceptions are is what they are.

President Ertel: Any further discussion?

Tony Testa. I have a question. Are these licenses whole licenses or are they just beer and wine?

Councilman Jaehnig: Whole.

Tony Testa. They're whole? I'm Tony Testa from the Mediterranean Restaurant. We applied way back when for a beer and wine, but there was no beer and wine available at the time, so we just got a wine. Really, again, we are a food restaurant in the downtown, so we pretty much apply to this. Beer and wine are fine with us. I don't see why a restaurant would need a full license to stay open again until 2:00 or 3:00 in the morning or whatever. If you are a restaurant...you're a restaurant. If you're a bar...you're a bar.

Councilman Wells: Well, that is sort of what I thought. A nice restaurant usually does not stay open until 2:30.

Tony Testa: It's a bar...but they can't.

[Unidentified Female Speaker]: So how can their sales be 75% food if they stay open until 2:00 the morning, unless they are serving food until 2:00 in the morning.

Mayor Raizk: That is why there is a differentiation between the normal D5 and the D5-L.

[Unidentified Female Speaker]: Even with bars that have restaurants...well like MacD's...they stop serving food at 9:30 or something. They still have a bar, but that is probably a D5 and not a D5-L.

Paul Hunter: If 75% of their revenue comes from the food, I don't think the hours apply.

Councilman Wells: I, too, was contacted by a business owner who said he has been waiting for a liquor permit for a long time. He can't get one because he is not in the Historic District, but he would like to have one.

Steve Brown: Have him come talk to me...we'll invite him in.

Mayor Raizk: Actually, I have been in discussion and we will be proceeding. He wanted to see how this goes first.

President Ertel: Very good. Any other discussion?

Scott Kirchner: Mr. President, I do have a presentation for council on this matter that I would like to give.

President Ertel: Sure. Okay.

Scott Kirchner: It will take a couple of minutes to set up the projector. Would council be willing to consider revamping the historic district regulations to make sure that businesses do actually close at midnight? Considering the fact that we have a hotel downtown and a number of churches, it would seem to me to be a responsible way to approach the subject.

Councilman Wells: Scott, as I understand it now, in reading the Historic Zoning, it does not apply to liquor establishments...only to other businesses.

Scott Kirchner: So council would need to change the Historic District zoning to make it apply to liquor licenses?

Councilman Wells: They can't because the state would have precedent.

Scott Kirchner: So the existing Historic District regulation would not affect those licenses inside the Historic District, correct?

Mayor Raizk: The state prescribes the maximum hours. For instance, there are folks that have a D5 that are not open that late. The hotel has a D5 and they close at 10:00 or 11:00.

Law Director Hapner: The Historic District regulations or rules can be modified to say that the midnight curfew applies to all businesses, regardless of whether you are serving alcohol or not because that is a restriction on the state license that the city can put on the liquor license. So there is not a problem with just taking that exception for alcohol establishments out.

President Ertel: As long as we don't try to supersede the state.

Law Director Hapner: Yes. We can't say that they can stay open until 4:00 a.m., but we can cut them back to midnight.

Scott Kirchner: Would it be possible to get the city's projector. I don't have a power cord here. I know we have a projector unit.

President Ertel: Laura is not here.

Mayor Raizk: Do you know where it is at?

Pauline Buckley: Probably.

Scott Kirchner: Or if you have another power cord, it may fit.

Pauline Buckley: I'll see.

Scott Kirchner: So the indication is liquor laws supersede the Historic District.

Councilman Jaehnig: No, that is not what was just said.

Law Director Hapner: The city can set restrictions on the hours that a liquor license can operate. They cannot expand the hours set by the state, but they can reduce those hours. So, the city could, if it chose, take that exception.... If the Historic District curfew, if you want to call it that, is midnight, and there is an exception for establishments that serve alcohol, you could take that exception out so that all establishments are closed at midnight.

Scott Kirchner: Would council consider doing that to make sure that the Historic District...? It is my understanding that this revitalization zone corresponds exactly with the Historic District...is that correct?

[Various Council Members]: Correct.

Scott Kirchner: So, would council be willing to look at redoing the Historic Zoning prior to approving this revitalization zone to make sure that we protect the integrity of the Historic District?

Councilman Jaehnig: I would be willing to look at the Historic District and review it, but I am not willing to delay this particular piece of legislation in order to go through that, because we are then just delaying the opportunity to move forward with additional opportunities to revitalize, not just the downtown, but our community as a whole.

Paul Hunter: But don't you have to wait for the November election before a license can be considered?

Mayor Raizk: Why would that be?

Paul Hunter: Because it has to be put on the ballot. According to statute, it is a ballot issue. The law is kind of screwed up, but that is what it says. So the rush is not really...

Councilman Jaehnig: But that is for the actual issuing of a license. The amount of time it takes to actually woo a business and to get them lined up and prepared and get them ready to actually open is usually greater than 6 months. We can use that time between now and the fact that you could actually get the license installed to actually work on redevelopment.

Paul Hunter: But people would have to vote on it before they can even apply for it.

Councilman Jaehnig: I understand that, but if we have an opportunity to put a Redevelopment or Revitalization District into effect, which would actually lead to possible new investment in our downtown area...

Paul Hunter: Bear in mind, all that Revitalization Area is is a means to obtain extra liquor licenses...that's all it is...nothing else.

Scott Kirchner: You would not be able to move up the application process. Once the Revitalization Zone is created, you still have to have a viable business that would qualify under the revitalization statutes as a restaurant, so they would have to set themselves up and then apply to qualify.

Councilman Jaehnig: But that is working under the assumption that we are actually talking about a business that wants a liquor license. But if we are actually doing this...

Paul Hunter: But that is the point of the whole move. That's the only point of the Revitalization District.

Scott Kirchner: I'm sorry. Are there other advantages to this Revitalization Zone that I am unaware of.

Councilman Jaehnig: The advantages of actually selling the revitalization of downtown. If you have, for example, somebody that wants to put some type of entertainment downtown, non-liquor related, or invest in the Murphy Theatre and so forth, they may be more likely to invest in a community that has already said, "We're going to designate this as a Revitalization Area" and lure additional restaurants and so forth into this area.

Paul Hunter: Because of the liquor license.

Councilman Jaehnig: Because of the liquor license. Where they may not consider us without that revitalization designation. The ordinance actually does not help them other than the fact that the city is making this type of a commitment to move forward and develop this type of district.

Paul Hunter: Liquor license. Flat out. That is all it is.

Councilwoman Peterson: I just want to make sure that I am as candid as I possibly can be with my colleagues on council. I am not prepared to say that I am going to change the hours of operation. I don't have enough information at this time. I just want to be very honest with you.

Councilman Jaehnig: I am not saying that I would be willing to change it. I would be willing to review.

Councilwoman Peterson: Right.

Scott Kirchner: Is there a reason of urgency other than we *may* attract more investment downtown? Are we wooing currently?

Councilman McKay: Mr. President.

President Ertel: Yes.

Councilman McKay: I would ask that Mr. Kirchner go on with his presentation and not continue to ask questions.

Scott Kirchner: I am working forward on my presentation, Councilman McKay. It is obvious that I'm working to get this.

Councilman McKay: I realize...

Scott Kirchner: I'm just trying to make my time productive. These questions may come up after the presentation.

Councilman McKay: Well, stop talking and start working.

Scott Kirchner: What did I do?

President Ertel: Scott, during your presentation, try to keep it nice, neat and concise. I will have to leave here in just a few minutes. I can return after my act. I am sure that this discussion may still be going on.

Councilwoman Peterson: For public comment, are there limits to the time we are going to offer?

President Ertel: I think in this particular situation, we can limit this to 10 minutes. Is that fair enough?

Law Director Hapner: I don't know, because you've never limited anybody before.

Councilman McKay: How long will it take, Scott?

Scott Kirchner: It is not a very long presentation once we get going.

President Ertel: Okay. That sounds good.

Scott Kirchner: It doesn't seem to be recognizing the computer.

Councilman Wallace: Kathryn, I think one of the questions that I would have somewhere along the line... Occasionally we will revisit something and we'll say "Well, we can't do that because we can't grandfather that in because this rule has already been made" and all of those things. I think sort of where Scott was headed, a good question to ask might be this: If we were to bring this in under the current rules as it all stands today and somewhere, say in two years, we want to change those rules, can we still do that and make all this follow whatever it is we want to do?

Law Director Hapner: Yes, and the reason for that is the Historic District is a special district. There are different rules that apply to a Historic District than apply to other districts – your general commercial, residential or whatever. I can give you the long explanation or I can give you the short one.

Councilman Wallace: The short one.

Law Director Hapner: Okay, the short one is "Yes, you can do that."

Mayor Raizk: The zone would determine that.

Law Director Hapner: Right.

Councilman Wallace: Yes. Because I really don't want to say, "Yes, let's do it," and then we find out later that maybe we want to tweak it and we can't do that.

Law Director Hapner: No. You can tweak it, and the reason is it is a Historic District zoning, which is different from commercial, residential or some of the other sort of standard zones.

Scott Kirchner: It would be the zoning that you would be tweaking. You can't change the boundaries.

Law Director Hapner: Right.

Scott Kirchner: Once the entertain district is created, it is created. You either keep it or you vote it down, if I understand my research on it.

Law Director Hapner: Right.

Scott Kirchner: The other part of the research, and there seems to be some misinformation, at least in my listening to council tapes, there can only be one Revitalization District in a municipality. There cannot be multiples. I've heard it said multiple times by council members or the Mayor.

Councilman Jaehnig: I don't remember that.

Mayor Raizk: I don't remember saying that. What we do know is there could only be one district, but it could be amended to include other areas.

Scott Kirchner: I did not see any provisions for amending. It was either keep it or vote it out. You could put a new one in place.

Mayor Raizk: We have done some research on it, and we think it can be amended to maybe expand.

Scott Kirchner: Since we are voting it into law tonight, I would rather know than think...I think that would be the responsible thing to do. So tonight's presentation from me. . . Why do I have concerns about the proposed Revitalization District? Let's take a look at it. This is the proposed Revitalization District of 25.836 acres. We grab a Google map and try to fit that little funky shape onto it, you get the proposed Revitalization District. I and my wife own property, as you can see, here, here, here, here, and here. So, quite close to the revitalization. Now you may not recognize some of those buildings because we have put a good deal of our own personal money in to revitalize the neighborhood – not just revitalize it; we live in it. In fact, I probably should state for the record that I am Scott Kirchner. I live at 261 S. Mulberry and currently am rehabbing 245 S. Mulberry Street to move into it. All told, investment already there, debt, obligations associated with property, probably close to a million dollars worth of property, I know, in a Blight and Slum zone. Amazing, isn't it. I have been disappointed with council's lack of response to my concerns about this zone, considering the fact that I have so much at stake and have been investing in this part of the community for a long time. Those are the reasons why I am concerned. I have invested, improved and continue to live in the neighborhood. So the proposed Revitalization District: What's wrong with the Revitalization District? Well, if you remove church property, 30-year or more business establishments, government offices and properties (And by the way, I missed one there. In that corner there, you have the Convention and Visitor's Bureau. I'm not sure; that's probably quasi-governmental), streets and alleyways...

BREAK IN TRANSCRIPTION. END OF TAPE.

Scott Kirchner: ...because you can't put liquor licenses into those establishments or they are existing and thriving businesses that have been there for over three decades. I may have missed some of those businesses too. This is from memory.

Councilman Jaehnig: Some of those government properties that you have listed aren't actually government facilities, they are property owned by the city, which could be sold for redevelopment.

Scott Kirchner: Well it's true. There are certain people who could probably get that land sold to them, but the primary thing is City Hall, the Courthouse (which I don't think they are going to sell), and parking lots for the employees of those buildings. So there are not a great deal of properties, but it is possible. What is most wrong with the Revitalization District is it does not include the entire planned Sugartree Street Corridor. So what is the Sugartree Street Corridor Plan? Well, it is the City of Wilmington-developed plan using taxpayer dollars. It was developed to refurbish and revitalize an entire part of our city: connecting commerce and the college, government offices, outdoor opportunities. What is the Sugartree Street Corridor plan? It is a taxpayer-funded plan with a central parking facility, central to the entertainment district, enabling people to park in the center of the district and go to the theatre, go to restaurants around it, perhaps visit the bookstore and other businesses downtown in the area. It has a pedestrian walk and bikeways along the stream, bringing foot traffic, much needed foot traffic, to a downtown revitalized. Restaurant and retail facilities, which could be anchored by stores such as Chipotle, Applebee's, Chili's, T.G.I. Friday's, Starbucks. We could have retail establishments such as bike stores, jewelry stores and clothing stores. You don't think so? In short, it is a plan that can't exist in the proposed Revitalization District because the Revitalization District does not include it. However, we have spent tens of thousands of dollars developing a plan to do this. So I am curious as to why the rush to change the Historic District, which was never developed to be a Revitalization Zone. It was developed to protect and specially zone that area to protect the integrity of it. We, basically, create a monopoly based on 70% of that not being developable. Is that a word? We'll figure that out later.

President Pro Tem Mongold: Is that the end of your presentation?

Scott Kirchner: That is, with one exception. I will say that if we vote tonight for this Revitalization District in the affirmative manner, if council supports the development of this Specific Revitalization zone, they will throw away tens of thousands of taxpayer dollars and they will throw away any opportunity to develop the Sugartree Corridor Plan, which would help revitalize and establish sustainable development in Wilmington. In short, it would improve the quality of life and the opportunities. With the amount of money that we are currently receiving from the stimulus program, we would find ourselves capable of applying for grants and development opportunities with the licenses we could potentially get – Applebee's, Chili's, someone of that nature – to come in and anchor it. We could have sustainable development beyond one franchise that uses city-provided parking to exist.

President Pro Tem Mongold: Thank you, Scott. Are there any other individuals in the audience that would like to comment on the subject?

Steve Brown: Just because we name a Revitalization District doesn't mean other areas can't be revitalized. They can be revitalized; you just won't have those new liquor licenses available there, except for that calls for the tearing down of three liquor-permitted places. Those could be placed back into your Applebee's if they decide to come into town.

Scott Kirchner: Well, couldn't the current establishment applying for the Revitalization Zone buy one of those licenses and move it up here?

Steve Brown: Say that again.

Scott Kirchner: Couldn't the current establishment that is applying for this Revitalization Zone to create new, unencumbered liquor licenses purchase one of those.

Steve Brown: No.

Scott Kirchner: They could not?

Steve Brown: Not as proposed. Because the liquor license from the new Revitalization District cannot be transferred outside of the district. Is that what you are asking?

Scott Kirchner: No. What I am asking is...We don't need the Revitalization District. Couldn't the current applicant purchase the Escape or Manhattan, tear it down, and move that license right up here, providing the opportunity for that development to occur.

Steve Brown: You can, but you're not getting any further ahead.

Scott Kirchner: Then why do you argue that we would get farther ahead without the Revitalization Zone down there. You just stated that...

Steve Brown: I didn't say that...

Scott Kirchner: ...other areas could revitalize without the Revitalization District, but the Revitalization District offers opportunities of advantage to businesses that operate in it.

Steve Brown: I'm glad you see that point.

Scott Kirchner: I do. And that is why I am wondering why, as Main Street Wilmington, we have thrown away all of the citizen-funded planning that occurred to develop sustainable development. I don't understand the approach, when you consider that millions have already been spent on this area up here.

Steve Brown: How many liquor licenses do you need down in the corridor...you have three already.

Scott Kirchner: And I do not necessarily want a fourth up here, is what I am trying to tell you. How many of our DUI's come out of this zone. [inaudible for transcription] we have drive-by shootings and we have assaults.

Steve Brown: So a restaurant selling liquor, is that what you are asking, because that is what this is about.

Scott Kirchner: I ask in this zone [inaudible for transcription]

Steve Brown: We're renaming the zone; that is what this is about. It is not current, it is what we want.

Denise Terzakis: Well why restrict the boundaries so much? You're upset by three liquor licenses on Sugartree; you're putting five liquor licenses in the five-block area. Five additional liquor licenses. Some already exist. Why are you restricting the area so much. Why can't it be expanded to include an area that is already planned to have restaurants and establishments that serve liquor in them.

Steve Brown: I've looked at that. Because that was my first question...why not include Sugartree. I understand the question, and I had to answer it to myself.

Scott Kirchner: Did Belair attempt to purchase an existing business with a D5 liquor permit?

Councilwoman Peterson: This isn't about . . .

Larry Reinsmith: I don't really think it's your business.

[Simultaneous Comments from Council/Audience Members]

Larry Reinsmith: That has nothing to do with this case.

Scott Kirchner: So you have not...or do not wish to answer?

Larry Reinsmith: I don't need to share anything with you.

Scott Kirchner: Did council ask Belair...when they presented to council, did council determine whether or not Belair had attempted to secure a D5 liquor license from another establishment?

Steve Brown: It doesn't matter.

Councilwoman Peterson: That is not pertinent to this.

Scott Kirchner: We're creating five new liquor licenses. We're doubling the amount of liquor permits that we have in the city. I think the point is, the citizens don't need council to make drinks; they need you to make jobs. I don't think we need five more places for people to drink in order to revitalize the Downtown Historic District.

Larry Reinsmith: Now, Scott, I know Tony has spent several hundred thousand dollars on his establishment and he has created several jobs. We spent over half a million on ours and we just hired 35 people yesterday. How many people have you hired in the last 10 years with your "million dollar investment?" Thank you.

Denise Terzakis: What's the average wage of...?

Larry Reinsmith: Does it make any difference? It's better than nothing.

Scott Kirchner: It actually does make a difference, because as a taxpayer, if you are not paying a living wage, we are actually funding those workers with support services through the County Family and Children Services.

[Simultaneous discussions between audience members]

President Pro Tem Mongold: Okay, let's move on.

Denise Terzakis: Personally, I still have an unanswered question. Why it can't be...?

President Pro Tem Mongold: Denise, will you state your name and address?

Denise Terzakis: Yes. Denise Terzakis; 261 South Mulberry Street. My question was posed to Steve, but I would take an answer from anyone who would offer it. Why restrict the liquor licenses to the Revitalization District. Why not expand it to include an already planned area to offer that opportunity to businesses to be developed there. Why restrict it? It seems that five is plenty to cover not only the Revitalization Area, but many other areas of town, including the Sugartree Street Corridor.

Steve Brown: It can be expanded, but that is not what is being proposed this evening.

Denise Terzakis: Right, and I want to know why.

Steve Brown: The Historic District already has very clean, precise boundaries. It was created... it is the center of the Main Street District, which would [inaudible for transcription]Revitalize Zone.

[Inaudible Simultaneous Discussions]

Councilman Jaehnig: If we expand the area to Sugartree, that will add to the acreage of the Revitalization Area, which will increase the number of liquor licenses...

Mayor: Potentially.

Councilman Jaehnig: Potentially, it is one for every 5 acres.

Scott Kirchner: It is a maximum of five. You can read the legislation.

Steve Brown: One per five acres, where at 25+ acres we would reach the max with proposed.

Councilman Jaehnig: Okay. Thank you.

President Pro Tem Mongold: Okay?

Tony Testa: Again, why does it have to be full liquor licenses. If it is going to be just for restaurants only, why not beer and wine. That stops it from being a bar.

Mayor: I understand that question, but as far as the law goes, that is what they provided in the law. You know, if you only want a D1 or D3 or whatever, because I have had that question asked me, ask the State Liquor Board and they said this legislation is for D5-L's only. I can't answer that question because we don't make that determination. That is the State Liquor Board that has said "These are the licenses that are *potentially* available. Again, you still have to go through the process and apply, as you know. Now, the other part of that is, and a question that I don't know but I would ask the State Liquor Board, having a D5-L, I think you can choose. I don't know that you have to have a full bar, even though you have a D5 permit. You would have beer and wine, but the D5-L would allow you to have it. I think you would have to ask that question.

Councilwoman Peterson: I want to share some perspective, because I'm not sure that everyone understands the background of what brought us here. Steve, jump in if I am not capturing the sequence of this. (A few words could not be understood for transcription) part of the Main Street Organization and our counterparts at Wooster were experiencing the same challenges that we're experiencing and lots of Main Street Communities were experiencing, trouble over quitting businesses. And certainly restaurants were a big factor and restaurants were not able to obtain liquor licenses. So Steve's counterpart in Wooster approached her state representative and shared this challenge. They worked collaboratively with the Liquor Board, with the legislature, and the governor signed this legislation for the Revitalization District, I believe, last fall.

Paul Hunter: September 9.

Councilwoman Peterson: Wooster was the first one that moved forward with this. We let them do it first to see if there were any issues that came out that we needed to be aware of, and then we moved forward with it here. I guess I should say, we entertained anyone who wanted to come forward. I think it is important to have that perspective. I think it also is something for us to also take to heart as we are going through some economic challenges here. She did more than wring her hands. She actually made it happen and then shared it with her colleagues in other Main Street Communities so that we could duplicate that. I think we are seeing a lot of that in our local community as well; rather than just wishing something would happen, we're making things happen as well.

President Pro Tem Mongold: Thank you. Leilani? Would you like to proceed?

Councilwoman Popp: Is there anything else?

Paul Hunter: I have one question for Rob. What if these new businesses that we've attracted with the potential liquor license come in and the voters turn it down, then they're hung out, right?

Councilman Jaehnig: When I was speaking earlier, I was speaking of businesses other than...

Paul Hunter: But if they come because of the Revitalization Area and it does not happen, because without a liquor license you in effect do not have a Revitalization Area, and then say the voters turn it down, they came here under false pretenses. Just a point.

Councilman Jaehnig: Well, I don't know if it is false pretenses or not. The voters still will have their say on whether to approve a license or not.

Paul Hunter: But just creating the Revitalization Area does not mean automatically that it is going to be a Revitalization Area.

Councilman Jaehnig: Correct.

Councilwoman Peterson: And we all know in business it...

Paul Hunter: You take your chances.

Councilwoman Peterson: It changes.

Tony Testa: Why do you have to take the max? Why does it have to be five? Do you have to take the max?

Councilman Jaehnig: Those are available.

Mayor Raizk: Those are available. We don't take them. It is one per five acres up to a maximum of five. This area is about 25 acres, so that would do that. Even if you expanded it, you still would not have those available.

Councilwoman Peterson: But nothing guaranteed, so it has to go through the process.

Mayor Raizk: Right.

Councilman Wells: Can I say one thing?

Councilwoman Popp: Yes.

Councilman Wells: The gentleman who contacted me who has been waiting on a liquor license, because he is outside of the district, he is not eligible, and I just don't understand why we have to have such a small area. The Sugartree Corridor makes sense to me. If we are going to revitalize our city...there is more to Wilmington than just a little bit downtown. I think we need to watch out for the whole city.

Councilman Jaehnig: I would agree with you, Don. In regard to the Sugartree Corridor, though, if that project was to move forward, there would be three businesses that would be either revamped or removed, which would free up three liquor licenses at that particular point. They could be used in that area or could end up elsewhere, as Scott had mentioned. I am not so sure that... The one and only concern that was approached to me other than Scott was the concern of us expanding the area and putting bars next to homes or putting restaurants with liquor licenses next to homes and wanting us to restrict the area because of that. If we expand it to Sugartree, that is going to bring it closer and more into a residential type of approach.

Scott Kirchner: Yet your applicant is right up against a residential neighborhood, a hotel close by, and a bed and breakfast. That concern seems a little bit invalid when you look at where the applicant is located.

Councilman Jaehnig: The hotel does have a liquor license now, doesn't it?

Scott Kirchner: Yes. All I'm saying is [inaudible]...

Councilman Jaehnig: You use the hotel as an example as of not to have it, when they already have a liquor license. I'm not saying that it is not by a residence, but if we expand it, we increase the number of residents that the area butts up against.

Scott Kirchner: The properties I own are down there. I'm asking you to incorporate it into that zone and really revitalize this.

Councilman Jaehnig: I understand what you're asking. I'm just saying that somebody else had asked me the exact opposite: to restrict it and try to keep it from the residential areas when possible.

Denise Terzakis: I have two questions. The first one is, what will be the price of these liquor licenses that will be available?

Paul Hunter: \$2500 more or less.

[Multiple members answered that it would be whatever amount the State requires]

President Ertel: Have we had enough comments at this point in time? I've been gone for...

Denise Terzakis: No. I would like an answer. What is the price of a regular liquor license?

President Ertel: I wouldn't have a clue. That's the state. Have we had enough?

Denise Terzakis: Well, I have one other suggestion. I really feel like council is not prepared to answer all of the questions that are coming out, and I would suggest that until council is able to answer sufficiently the questions that everyone has, we should delay this vote. This is the final vote. People have expressed concerns and people have questions that have not been answered.

Scott Kirchner: Perhaps hold public hearings for public input to address the boundaries of the zone.

President Ertel: Okay. No new information obviously is coming out. Are we prepared for vote?

Councilwoman Popp: Yes, Mr. President.

President Ertel: Is there a motion please?

A motion was made by Mongold and seconded by Peterson to give the third reading only on an ordinance Designating a Revitalization District Within the City of Wilmington. Wells voted "Nay." All other members voted "Yea."

Motion passed.

The Law Director read the ordinance by title only.

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

Wells voted "Nay." All other members voted "Yea."

Motion passed.

President of Council declared Ord. No. 4836 passed as read.

President Ertel: Okay. Moving back to the regular Agenda. Asset, Acquisition and Use?

Asset, Acquisition and Use – Chairperson Sandy Mongold: No report.

President Ertel: Thank you. Auditor?

Auditor – President Ertel: No Auditor.

President Ertel: Okay. Finance Committee please?

Finance Committee – Chairperson Sandy Mongold: We do have several items tonight. The first item is an ordinance making supplemental appropriations.

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

Motion passed.

The Law Director read the ordinance by title only.

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

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

The Law Director read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4837 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance – we have two transfers.

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

Motion passed.

The Law Director read the ordinance by title only.

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

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

The Law Director read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4838 passed as read.

Councilwoman Mongold: The third item tonight is a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

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

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2129A passed as read.

Councilwoman Mongold: For you information, we do have a Finance Meeting scheduled for Wednesday, April 15 at 12:00 o'clock noon.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda, but I do have before the council people tonight a letter that the

Solid Waste Committee has voted to send to the Clinton County Solid Waste Management District. I hope you have all had a chance to read through it. I would like to suggest that everyone on council would sign this letter and we will send that to them. Are there any questions?

A motion was made by Wells and seconded by Peterson to send letter to the Clinton County Solid Waste Management District.

Motion passes.

Letter will be sent to Clinton County Solid Waste Management District.

Councilman Wells: Thank you very much. That's all I have.

President Ertel: Just pass it down and we will all sign it. Okay. Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Popp: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: I have three items today, Mr. President. The first item is a resolution authorizing us to renew our agreement with the Clinton County jail for beds for prisoners. It is a two-year agreement. Unfortunately, we are late in receiving it and it is expired as of March 31, so I will be asking for three readings in regard to this and passage this evening.

A motion was made by Jaehnig and seconded by Wells to give the first reading only on a resolution Authorizing an Agreement for the Boarding of Prisoners at the Clinton County Jail and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2129 passed as read.

Councilman Jaehnig: The next item we have is a resolution authorizing the Mayor to submit applications for a COPS grants program. This is a new program that is available that will allow us to fill some slots in the police department that are currently going unfilled due to budgetary reasons. The grant will pick up the salaries for these individuals for the next three years. The city will be responsible for any raises above their initial hire, and, of course, then for the fourth year of it also.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on a resolution Authorizing the Mayor to Submit an Application for a Community Oriented Policing Services (COPS) Grant and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

Councilman Jaehnig: Because there is a deadline on filing for this grant, we want to move as quickly as possible.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2130 passed as read.

Councilman Jaehnig: Our last item tonight is another resolution to allow the mayor to submit an application for a grant under the Edward Byrne Memorial Grant. There is a specific amount of money that each community is designated based upon convictions of certain, I believe it is, felonies. Is that correct?

Assistant Chief Weyand: They are called Type-1 crimes. Serious crimes.

Councilman Jaehnig: Serious crimes. That allows us then to use this grant money. It is simply just applying for it; it is almost basically a guaranteed thing once you apply.

Assistant Chief Weyand: As long as we fit the criteria.

Councilman Jaehnig: As long as we fit the criteria. This will allow us to pursue things like new technology and so forth for our officers.

Safety Director Babb: We found out today that we do have to be specific in what we are asking for. I think we are looking at redoing the firing range [inaudible].

Mayor Raizk: There was also an article today that some of the stimulus money was going to get funneled into Edward Byrne. Did you hear that, Duane?

Assistant Chief Weyand: This is one part of that...

Mayor Raizk: This is what the money is. It is through that. They used an existing channel, which was the Edward Byrne Memorial Fund.

Safety Director Babb: At the committee meeting, we thought we could use it for multiple police activities, but we have to be specific.

Councilman Jaehnig: I assume you are going forward with the range? There is an entry timeline for the grant, so we would proceed with three readings.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on a resolution Authorizing the Mayor to Submit an Application for an Edward Byrne Memorial Grant and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

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

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

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2131 passed as read.

Councilman Jaehnig: That is all I have tonight, Mr. President.

President Ertel: Thank you. Parks and Recreation Committee?

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

President Ertel: Very good. Thank you. Service Director?

Service Director- Service Director Larry Reinsmith: The only thing is just to follow up on that stimulus money for the road projects. We have to do the engineering. The drop-dead date on that engineering is December 1. ODOT plans to self-bid those projects around January 15, 2010, and then start construction probably around March of next year.

Councilwoman Peterson: Larry, are we going to need a Streets Committee meeting?

Service Director Reinsmith: Yes.

Councilwoman Peterson: Okay. Within the next [inaudible for transcription]?

Service Director Reinsmith: Because we need more money for the engineering of 68. They are putting together a proposal right now.

Councilwoman Peterson: Okay, I'll go ahead and work on that.

Scott Kirchner: Does that timeline apply to all of the stimulus money?

Service Director Reinsmith: This money is handled by ODOT.

Scott Kirchner: Okay.

Service Director Reinsmith: I think the EPA channels the money for storm, sewer and water. A lot of different departments handle the monies.

Scott Kirchner: I understand.

President Ertel: Very good. Thank you. Safety Director?

Safety Director – Nick Babb: I would like to thank council for going ahead with the COPS grant, because as you know we do have three vacancies. Filling them with General Fund monies is probably not going to happen. I am sure we have a lot of competition. A lot of police agencies are applying for it, but we're going to go for it.

A motion was made Wells and seconded by Peterson to approve the Income Tax Report – March 2009 as received.

Motion passed.

Report accepted as received.

President Ertel asked if anyone from the audience or council members wished to address council while in session.

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, April 16, 2009, at 7:30 p.m., with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

A motion was made by Jaehnig and seconded by Wells to excuse the absent member. Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

President of Council: I certainly would like to welcome all of our guests. It is very seldom we have such fine looking young ladies sitting in the front row. We welcome everyone. You will be acknowledged a little bit later when the Mayor shows up.

Councilman McKay: Mr. President?

President of Council: Yes, sir?

Councilman McKay: We also have some fine-looking young men there, too.

President of Council: Larry?

[Laughter]

Service Director Larry Reinsmith: I appreciate that.

President Ertel: I agree. I didn't want to embarrass them.

A motion was made by Jaehnig and seconded by Wallace to approve the minutes of the last regular meeting, April 2, 2009, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: Also, if you have any questions on what we are doing and so on and so forth, we do go rather fast. We've kind of done it before. So if you have any questions, just speak up, and we will be glad to explain. I would like to have the second public hearing on the City's 2009 Community Housing Improvement Program. Mr. Whitaker Wright, please.

President Ertel opened the public hearing on the City's 2009 Community Housing Improvement Program.

Whitaker Wright: Thank you, Mr. President. This is the second public hearing for the City of Wilmington's 2009 CHIP (Community Housing Improvement Program) Grant application. It will be submitted to the state on May 1. The City will be asking for \$500,000 and it will be targeting a portion of the funds to the southeast target area just off of downtown. If you look at the map on the third page of the handout, you will see that identified in a heavy dark line.

Whitaker Wright: In total, the City will be asking for \$150,000 in CDBG funds to complete home repairs at an average cost of \$10,000 a unit. Home repair funds will be used to address one or two critical health and safety items in an owner-occupied home. The City will also be asking for \$200,000 in private owner rehabilitation. These are deferred no-interest loans to homeowners, up to about \$40,000. These funds are used to bring a house up to the State's residential standards. In addition, the City will be asking for \$40,000 in Federal HOME funds to assist the local chapter of Habitat for Humanity

construct two housing units on lots that they currently own on Clark Street: These are 438 and 448 Clark Street. The chapter will be matching the City's \$40,000 with about \$138,000 total in their effort. Additionally, the City will be requesting \$50,000 in federal HOME funds to provide tenant-based rental assistance to very low-income families. These are typically families that are at or below 50% of the County Median Income. The Clinton County Metropolitan Housing Authority will administer the tenant-based rental assistance program and will be assisting families for up to 18 months. Finally, the City will be using a portion of its Neighborhood Stabilization Grant Funds, between \$20,000 and \$25,000, to work on demolition projects in the southeast target area. The City has proposed that it will be working with the region (we are in Region 16) and we are awaiting the final Grant Agreement from the state, and we should have that in the next couple of weeks. Finally, \$60,000 in CDBG Formula Funds are allocated for administration. I open the floor for questions.

President Ertel: Any questions from the audience or council? Okay. Very good. Thank you so much. Just in the nick of time. Mr. Mayor?

Mayor: Mayor Raizk: Thank you, Mr. President. I have another joyful presentation to make tonight. This is very exciting. The Wilmington High School student newspaper, the Hurricane, which I hope you all read, competed in the Ohio Scholastic Media Association State Journalism Competition and ranked first in the Overall Newspaper Category, which I think is outstanding.

[Applause]

Mayor: Okay, so I am going to call. The advisor: Is Maggie here?

Unidentified Speaker: Mr. Fryman is.

Mayor Raizk: I saw Mr. Fryman. Mr. Fryman, come on up. I am going to ask you all to come up. I am going to read off these names one by one. If I leave anybody out or if somebody is here that should be called, please let me know.

Ashleigh Achor, Karlee Blanchard (Karlee was not there), Chris Clevenger, Lauren Showen (not present), Chas Wiederhold (not present), Patrick Blouin (not present), Jessica Maus, Madison Law. Madison is the Editor in Chief, is that correct?

Madison: One of them.

Mayor Raizk: One of the Editors in Chief. Zach McCune, Katie Swindler, Libbey Wetterhan and Neil Vance (not present).

Mercedes.

Okay, Mercedes. Come on up.

Mayor Raizk: Let me read the proclamation and then I have one for each of you. Then, Mr. Fryman, you can take the rest to the others.

WHEREAS, the Wilmington High School student newspaper, *The Hurricane*, competed in the Ohio Scholastic Media Association's State Journalism Competition and ranked first place in the Overall Newspaper category; and

WHEREAS, additionally the paper received awards in the following 18 categories: Ad Design, Art/Non-editorial (computer assisted), Art/Non-editorial (hand drawn), Column, Editorial Column, Editorial Page (layout), Feature Page (layout), Front Page (Newspaper), General Feature, News Feature, News Package, News Writing (two reporters), Personality Profile, Photo Illustration, Review, Sports Coverage (News), Sports Feature and Sports Page (layout); and

WHEREAS, awards were received by seniors Ashleigh Achor, Karlee Blanchard, Chris Clevenger, Lauren Showen and Chas Wiederhold; juniors Patrick Blouin and Jessica Maus; sophomores Editor-in-Chief Madison Law, Zach McCune, Katie Swindler, Libby Wetterhan and Neil Vance; and

WHEREAS, Journalism Adviser Maggie Krohne expressed pride in the hard work her students had done all year that resulted in this recognition at the state level.

NOW, THEREFORE, I, DAVID L. RAIZK, Mayor of the City of Wilmington, Ohio, do hereby designate Thursday, April 16, 2009, as

“WILMINGTON HIGH SCHOOL STUDENT NEWSPAPER,

“*THE HURRICANE*” DAY

Mayor Raizk: Congratulations. We’re very proud of you and the community is proud of you.

(Some banter that was not audible for transcription.)

Mayor Raizk: That’s all I have, Mr. President.

President Ertel: O.K. Thank you so much, Mr. Mayor. Also as a matter of procedure, let me close the Public Hearing for the CHIP Program.

President Ertel: Moving into our committee reports, Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: No report.

President Ertel: And back from a wonderful tax season. Mr. Auditor?

Auditor – David Hollingsworth: Nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have several items tonight. The first one is making supplemental appropriations.

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

Motion passed.

Director of Law Hapner read the ordinance by title only.

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

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

Director of Law Hapner read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4839 passed as read.

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

Motion passed.

Director of Law Hapner read the ordinance by title only.

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

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

Director of Law Hapner read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4840 passed as read.

Chairwoman Mongold introduced the next piece of legislation which was a “Then and Now” resolution.

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

Motion passed.

Director of Law Hapner read the resolution by title only.

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

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

Director of Law Hapner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2132 passed as read.

Chairwoman Mongold said she would be scheduling a Finance Committee meeting in the next week or two.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Councilman Wallace – In the absence of Chairperson Peterson I will take her place. As you are aware about six weeks ago we realized we have a street with no name that we have to try to name. We were thinking of names at our last meeting. We opened it up to the public and accepted suggestions. It was proposed and accepted that we would name the stretch of highway from the light at Wal-Mart towards Airborne. Some people call that Old State Rt. 73. but anyway it has no name. We have proposed that it be named Progress Way.

A motion was made by Wallace and seconded by Jaehnig to give the first reading only on an ordinance Changing the Street Name of Old S.R. 73 to Progress Way.

Motion passed.

Director of Law Hapner read the ordinance by title only.

Wallace requested that second and third readings be on the Agenda for the next meeting.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, we have two items on the agenda tonight. The first one does not say Emergency on the Agenda, but it does in the ordinance so this will be an emergency.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on an ordinance Authorizing the Advertising for Bids for the Construction of the Vertical Expansion (Phase I) of the City Landfill and for Contracting for Same and Declaring an Emergency.

Motion passed.

Director of Law Hapner read the ordinance by title only.

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

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

Director of Law Hapner read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4841 passed as read.

Councilman Wells – I need to make sure that everyone gets their green pennies. I want to thank Taylor Jaehnig for preparing these green pennies for us to use tonight as an illustration.

I think this legislation is a good example of when people work together. The Solid Waste Committee, the mayor's office, Solid Waste Management District, the county commissioners and the Ohio EPA all worked together on this. This will be our first step in changing from a subscriber city to a non-subscriber city and it is our intention to take 1 cent away from our collection fee right now and we call this the "green penny" and we're going to put this green penny dedicated to a recycling line and we hope that this will be a major step in increasing our recycling for the city, city-owned landfill, and it will decrease the tonnage and increase the life of the landfill and save our landfill. Are there any questions as to what our intent is?

Scott Kirchner: Will you be changing the program to go to bins at this point?

Councilman Jaehnig: That will be Phase II. We actually have a grant that we are waiting to hear on that would allow us to pick up a packer. Once we're able to do that, then we'll be able to implement Phase II which will actually at that point be moving to a stickered bin program. Instead of the city going out and spending a lot of money on bins or requiring our citizens to go out and spend a lot of money on bins. Anybody who has been recycling probably has found the same thing that I have. I was a two or three trashcan person. The minute that I started recycling, I didn't need three trashcans, but I can take a sticker, put it on one of the trashcans and now make that my recycling bin. It also works out very well for senior citizens. They don't need to have a very large one if they don't want one. They can have a small kitchen size and make that their recycling bin if they want or if you want a brand new one you can go out and get your own big one on wheels. It is economically sound and it really takes us a step further towards a Solid Waste District moving from an infrastructure program to a percentage program which is what we really need to move to to give us some real opportunities to do new things and to not spend money on sites, but spend money on programs that actually work.

Paul Hunter - Don, do you have any idea yet what the annual cost of this system will be to the General Fund?

Councilman Wells – No, I don't. I was hoping that Donnie could be here tonight to talk about that. Larry, do you have any insight on that?

Paul Hunter – That wasn't included in the budget was it?

Councilman Jaehnig – No. One of the issues that we are running into is we have a blue bag system in which we currently have to tear the bags open and dump them onto a truck because the blue bags are not recyclable and they won't take them. At that particular point, how do we intelligently move forward by getting rid of the blue bags, improve the program without a major cost during an economic time when the city shouldn't be spending additional money and we should not be asking our citizens to spend additional money.

Paul Hunter – They're going to spend money. It's just indirectly through the General Fund, the tax money, rather than the individual.

Councilman Jaehnig - Spend money on what, Paul?

Paul Hunter – On the operation of the system.

Councilman Jaehnig – We're already spending money on the system. In fact, it will save us

Paul Hunter – How much money are we estimating this is going to cost per year. That’s all I’m asking.

Councilman Jaehnig – The cost should not be substantially more than what we are already experiencing because of the fact of the additional labor that we’re having in tearing bags open to actually empty them. We’ll be able to take the bins and dump them straight into a packer, assuming everything goes well.

Paul Hunter – So under \$100,000 a year you would say.

Councilman Jaehnig – Well, I don’t have exact figures in front of me so I am not going to tell you an exact figure. That is Phase II. Phase I was to raise awareness. Whether, there is a line item for recycling on your utility bill or not you’re paying for it one-way or another so we would like to raise the attention that recycling is out there. You should be using it and we really want to improve the number of residents that are partaking in it. This step will help remind everybody. The second step will make it easier for everybody; they won’t have to order bags, they won’t have to call for bags. Yet, we’re not asking them to spend \$80 for a bin system.

Paul Hunter – Don, at some point, the comparison to this system or have a commercial people come in, that’s what I’m really getting at. It’s going to fall in favor of doing it ourselves unless we get that grant. (Another sentence not distinguishable for transcription.)

Councilman Wells - Well, that’s true. The Solid Waste Management District applied for that grant for us. We should know in May if we will get it from the Ohio Dept. of Natural Resources.

Paul Hunter – Our match is?

Councilman Wells - \$50,000.

Paul Hunter – Well, that’s part of the cost.

Councilman Wells – They would provide \$100,000 and we would provide \$50,000.

Paul Hunter – Thanks.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on an ordinance Amending Chapter 925.24 of the Codified Ordinances of the City of Wilmington Regarding Waste Collection Fees.

Motion passed.

Director of Law Hapner read the ordinance by title only.

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

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

Director of Law Hapner read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4842 passed as read.

President Ertel – Congratulations, Don, on the wonderful cooperation.

President Ertel: Okay. Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Leilani Popp – Yes, Mr. President, we have quite a few items this evening. The first four deal with the CHIP Program. She explained each of the pieces of legislation prior to the vote.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Authorizing the Submittal of an Application for the FY 2009 Community Housing Improvement Program Grant and Declaring an Emergency.

Motion passed.

Director of Law Hapner read the resolution by title only.

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

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

Director of Law Hapner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2133 passed as read.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Appointing the City's Representative for the FY 2009 Community Housing Improvement Program Grant and Declaring an Emergency.

Motion passed.

Director of Law Hapner read the resolution by title only.

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

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

Director of Law Hapner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2134 passed as read.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Committing Office Equipment, Office Space, Utilities, Audit Costs and In-Kind Services for the FY 2009 Community Housing Improvement Program (CHIP) and Declaring an Emergency.

Motion passed.

Director of Law Hapner read the resolution by title only.

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

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

Director of Law Hapner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2135 passed as read.

A motion was made by Popp and seconded by Jaehnig to give the first reading only on a resolution Authorizing the Hiring of CDC of Ohio for the Purpose of Preparing an Application for the FY 2009 Community Housing Improvement Program and, if Funded, to Provide Services to Implement and Administer the City of Wilmington's Community Housing Improvement Program to Meet the Requirements of the Ohio Department of Development and Declaring an Emergency.

Motion passed.

Director of Law Hapner read the resolution by title only.

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

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

Director of Law Hapner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2136 passed as read.

Councilwoman Popp said their fifth piece of legislation was for three readings to approve the final draft of the Clinton County Comprehensive Economic Development Strategy and asked for any questions.

Councilman Jaehnig asked Rafeal Underwood to stand up in case some had not met him because he was the master architect in putting this together. Since Kerri has been working with him they have put a lot of hours in on this.

Mayor Raizk – I just want to say, too, that Rafeal has been doing yeoman’s work. As you know any entrée into the EDA funds from the federal government require a CEDS. This took a lot of preliminary work because some counties are involved, especially the Appalachian Counties, have the ODRC committed. They’ve got all of these little acronyms, but Clinton County is not part of that because of where we are and our location and we’ve kind of been left out of that. So they most graciously, the ODRC has sponsored us. This CEDS is for Clinton, Fayette and Highland counties and we’ve had excellent representation from all the entities. But what is really important to understand is that we got funding from the EDA to do this out of ’08 monies which we had to apply for just real quickly late last summer to be able to get that funding so that we can now have funding out of ’09 monies. They paid for Rafeal, the Economic Recovery Coordinator, which is his title was funded out of that. He was selected through a process. He was to start on January 1, but as I like to tell people, he actually started about mid-December and hit the ground running and the preliminary draft had to be done by March 31. Kudos to you Rafeal for all of the work that you have done and all of the people who worked together. It has been very time consuming, but lightening quick in government world time so we are excited about this because this places us where we’ve never been before with a CEDS so we can access some of the EDA funds for a lot of public projects.

Geoffrey Phillips – Would you explain the process. It’s a 204 page document, but how many millions of projects are in here, how many jobs will be created? The only ones eligible to be funded are the ones in the plan. Maybe Rafeal might want to address that.

Rafeal Underwood – The only projects to be funded with EDA money are the ones in the plan, but that said, the community can go back and readjust the plan as they see fit if other projects come to the forefront, then you can amend your CEDS. The project total there were a little over \$30 million in projects and the projects will create roughly around 1,500 new jobs. The selected projects that I think we’ll really be queuing to get funding for are, of course, the revolving loan fund and the business incubator at the college.

Mayor Raizk – The important thing to know about the CEDS and to expand on that is that as Rafeal said once you have this in place it can be constantly updated and amended. You have to have it in the beginning. Because a project is in the plan does not necessarily mean that it will get funded, but if another project comes up you want to be certain to amend your plan to have that projects in there because the EDA uses the CEDS always as the basis to work from so you want to always have that updated.

Paul Hunter – You can read the front part of it and the back part of it and pretty much get what you need as a layman, the executive summary and the project ????. If you just have those.

Mayor Raizk – The stuff in between is pretty much government; it’s filling in the blanks to what their requirements are.

Geoffrey Phillips – The proposal for the incubator on Page 131 makes no reference to Wilmington College, but the proposal is that it would be on the campus of Wilmington College? Is that the proposal? It says the groups responsible are the city and the county.

Laura Curliss – There are two different ones and that’s actually county. The city shouldn’t be on that one really. That’s a county idea, right Rafeal?

Geoffrey Phillips – One incubator is an agri-business incubator and the other is a biotechnical incubator. Actually, both will be on college land. The agricultural incubator will be like a small plot incubator on Wilmington College’s land they own out by the airport and the other incubator will be located inside the Kettering Life Sciences Center and that will be biotech located on Wilmington College campus. So is that Objective A, Rafeal?

Rafeal Underwood - Right.

Geoffrey Phillips - But it makes no reference to Wilmington College on that page and in the biotech it is referred to as (unable to understand one word) Southern State.

Rafael Underwood - Southern State is going to fit inside the college incubator, the Life Sciences.

Geoffrey Phillips - Is there a list of projects available here?

(Evidently, it was not available there.)

Geoffrey Phillips - When you mention \$30 million, just doing a quick add, there is more than \$30 million in here. It seems to me there’s more like \$50 or \$100 million when you add up all of that.

There were numerous people talking at one time. Larry Reinsmith said it added up to something like \$75 million, but they won’t all be funded.

Rafeal Underwood - You won’t get funded for every last one of them. You must include the projects in the CEDS in order for them to be eligible. As projects are funded, they will come off the list and something else will move up. EDA won’t write you a check for \$50 million so it is a process every year that the CEDS plan is to be updated and revised and as projects are funded, they will fall off the list and other projects will . . .

Mayor Raizk - Geoffrey, I think Rafeal will concur with this the total number of projects that were put on there from all over was between \$75-\$100 million.

Geoffrey Phillips – That was my question; he said \$30 million.

Mayor Raizk – I think he was referring to about what can be from experience would be funded at one time or could be funded at one time.

Geoffrey Phillips - One other question. Having gone through this, maybe Rafeal can address. There doesn’t seem to be a lot of attention to the airpark. The community is losing 1,000 jobs from the airpark and there is a revolving loan fund, but there is not like millions to attract someone to take in all that acreage and would you address why that is not part of the strategy?

Rafeal Underwood – The EDA requires that when you take on projects, there must be control and ownership of the project. Neither the city nor the county at this point have ownership of the airpark so the EDA will not spend dollars to improve or do a project there because there is no local or county government involvement.

Geoffrey Phillips – So the city and the county do not own Kettering Center so how is that . . .?

Rafeal Underwood – But they are a non-profit entity. The EDA will only fund non-profit entities and governmental entities.

Geoffrey Phillips - Thanks.

President Ertel – Yes, that was looked at, Geoff, early on because we had thought while we have this opportunity let’s see if we can’t improve up some of the infrastructure at the airpark, but because it is a private entity, it was not eligible.

Geoffrey Phillips – But the utilities are (could not understand a few words for transcription.)

Geoffrey Phillips – I just think that there is a perception in the community that the CEDS Plan is going to help us understand how to redevelop the airpark and if anybody reads the document that is not really what the end result is about. So I ask these questions tonight because there has been very little public discussion about the whole CEDS process and I think there is a perception out there that this is going to be how we reposition the airpark and bring thousands of jobs to the community, but that's really not the end result.

Rafeal Underwood – The objective of the CEDS is not for redevelopment of the airpark, but the redevelopment, if you will, of the Clinton County economy in terms of diversifying it and finding other growing industries that may be attracted to Clinton County such as biomass, bio-technical advanced energy industries. The goal behind the economic development strategy was to diversify the economy enough so that no one employer would be able to come in and hold the whole community hostage by taking all of its jobs.

Speaker ???? – I appreciate you saying that because people need to understand that this is the net result of this plan when there may be a perception of “When are we going to do the airpark?” We are going to reposition ourselves economically as a community to learn from this lesson to hopefully not have to experience it again.

President Ertel - There is a lot of emphasis on infrastructure improvement in the villages outside of Wilmington and that is to position them in a situation where they can attract, not necessarily new business, but people who would live there to work at a new business that could be located say in the Wilmington area. So all of the infrastructure work is very, very important.

Paul Hunter – Is there a caveat in all of these projects that you have to use local workforce if possible, or is that understood or is that not even a factor?

Rafeal Underwood – What the EDA looks at prevailing wage. They don't say where you get the labor from; they just say how you will pay for labor and you pay them federal or state prevailing wages, whichever is higher. It is normally understood in communities that they will try to find all of the resources locally first before going outside.

Paul Hunter – But it's not written in.

Rafeal Underwood – Correct.

President Ertel – O.K. Is there any other discussion?

Chairwoman Popp: Thank you, Rafeal, for clearing that up for us.

A motion was made by Popp and seconded by Jaehnig to give the first reading only on a resolution Approving the Final Draft of the Clinton County Comprehensive Economic Development Strategy (“CEDS”) and Declaring an Emergency.

Motion passed.

Director of Law Hapner read the resolution by title only.

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

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

Director of Law Hapner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2137 passed as read.

President Ertel also thanked Rafeal and asked for a round of applause for him.

President Ertel: Thank you very much. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: There is no report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp: No report, Mr. President.

President Ertel: Thank you. Parks and Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace: Actually, we are having sign up tomorrow night for summer leagues.

President Ertel – Are you going to have a lot of tournaments this year? I know last year they were just phenomenal at bringing people into Wilmington.

(There was some further discussion, but could not be picked up for transcription.)

President Ertel: Thank you. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Very good. Safety Director?

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

Reports: A motion was made Jaehnig and seconded by Mongold to approve the Auditor Treasurer Report – March 2009 as received.

Motion passed.

Report accepted as received.

President Ertel: Anyone wishing to address council while in session, please come forward and state your name and address for the record please.

Paul Hunter – 200 Randolph Street – At the last meeting I misspoke or misstated when I said that the new district that was passed required a vote on the liquor permit. It does not. Council may put that on the ballot; they don't have to. That's the way I read the statute. Having said that, my sense is that council often has to legislate without really knowing what the public wants because you don't have that option. Not everybody talks to everybody. You have to do what you think is in the best interests of the citizens and that is as it should be. But in this case, council could have exercised a specific part of the statute that allows you to have a specific public hearing put in the newspaper and held. Had you done that, I feel you might have obviated the need for this extended meeting we had last time with all the discussion that went on and some awkwardness and not all of it was beneficial. Had we had public hearings separate from council, we might have obviated that need and it is part of the statute. What you can still do is put it on the ballot and let the people . . . and then you can know if they really like this idea. It's an option that you have; I personally would like to see it on the ballot because I like to see citizens involved and that is an option for you. It's my suggestion. I'm going to assume my reading of the law is right. Of course, you would have to vet everything through the Law Director. If anybody has any questions on this, I would be glad to attempt to answer.

President Ertel – Very good. Thank you, Paul.

President Ertel – Anyone else wishing to address council while in session?

Scott Kirchner – 261 S. Mulberry Street – First of all I want to congratulate Councilman Wells and the Solid Waste Committee for their work on continuing our plan that was

initiated a number of years ago on recycling. Don, I know you have been an incredible champion for this. I would offer, Councilman Jaehnig, I know that you are new to the process and weren't involved back then, you are actually in about Phase III as we had developed it back then. Initially we were working to get to 10% of the citizens supporting curbside in a six-month period to make sure that it was something that Wilmington wanted. Then the goal was to get to 25% and look beyond the blue bags. Councilman Wells was the key champion that got that program going and I think that the green penny is a great penny to have and I applaud the effort so good work.

I came here tonight with some concern. I read in the Saturday, April 4, News Journal about the City Engineer and his OMVI and my question is, does the city provide a vehicle to the engineer as part of his job?

Mayor Raizk – He uses his own vehicle.

Scott Kirchner – O.K. So we do not provide a city-owned vehicle? O.K. That was my concern whether or not a city vehicle was involved in it and what our policy is for that. O.K. Thank you very much.

President Ertel – O.K. Thanks, Scott. Anyone else?

Councilman Wells – I would like to thank David Hinman for the streetlights that are up in Timber Glen that were knocked down and several other lights that have been replaced.

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, May 7, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Jaehnig and seconded by Peterson to approve the minutes of the last regular meeting, April 16, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Mr. Mayor?

Mayor Raizk: Mr. President, I have no report. I would like to say just one quick thing. I want to thank Rob Jaehnig and everybody who participated in “The Big Cut.” I think that was a great uplifting experience for those who participated. Congratulations, Rob; it was another great job. Two, I would also like to say that we are looking very forward to Mr. Leno’s appearance in our community on Sunday. Every time we get mentioned on the air, just a few more people find out where Wilmington, Ohio, is, and there is not a darn thing wrong with that. That is all I have.

President Ertel: Thank you so much. Committee Reports. Asset, Acquisition and Use, please.

Asset, Acquisition and Use –Chairperson Sandy Mongold: No report.

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Okay. Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: Yes. We do have an ordinance which will be supplemental appropriations tonight. Are there any questions? I believe I have spoken with several council members to explain the items.

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

Motion passed.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4843 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance for payment of expenses incurred in prior fiscal year. That is the “Then and Now.”

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Authorizing Payment of Expenses Incurred in Prior Fiscal Year.
Motion passed.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4844 passed as read.

Councilwoman Mongold: That is all we have.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Street Committee – Chairperson Peterson: We have the second and third reading to amend the traffic control map to rename Old State Route 73 as Progress Way.

A motion was made by Peterson and seconded by Jaehnig to suspend the rules and give the second and third reading on the ordinance Changing the Street Name of Old S.R. 73 to Progress Way, by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4845 passed as read.

Councilwoman Peterson: I also want to thank Councilman Wallace for leading the committee that made this name selection.

Councilman Wallace: You're welcome. It took hours of labor to do that.

Councilwoman Peterson: That is all we have.

Mayor Raizk: You know, of course, the close runner up was "Wallace Way."

Councilman Wallace: We haven't given up on "Hurricane Alley" yet, either.

Mayor Raizk: No,...we have to keep "Hurricane Alley" open.

[Laughter and Banter]

President Ertel: Solid Waste and Recycling? Don?

Solid Waste/Recycling Committee: Chairperson Don Wells: We have one item on the Agenda tonight. The first reading on an ordinance approving the Clinton County Solid Waste Management District Plan. I hope everybody has gotten to look that over. They made the changes we asked for, and I think everything is in order. Does anybody have a question on that?

Councilwoman Peterson: I just want to commend you and the committee for all of the work you have done. Your collaboration....

Councilman Wells: I think everyone worked together very well.

A motion was made by Wells and seconded by Peterson to give the first reading only on the ordinance Approving the Clinton County Solid Waste Management Plan.

Motion passed.

Director of Law read ordinance by title only.

Councilman Wells asked to have the second reading at the next council meeting.

Councilman Wells: That is all.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report, Mr. President.

President Ertel: The first time in recorded history that the Judiciary Committee had no report. Safety Committee?

Safety Committee- Chairperson Don Jaehnig: We have two items tonight, Mr. President. Both items are grants. This will be going for three readings on both items, so that we can get them applied for as quickly as possible. The first one is for the Edward Byrne Memorial Grant for \$75,000. This is to help fit some of our cruisers with computers finally. This is something that we have wanted to do for a very long time, and it will help make our officers much, much more efficient, especially in emergency circumstances. When there is a fire or something major going on, dispatchers are pretty well tied up at that particular point. How many cars will we be able to do with this, Duane?

Assistant Chief Weyand: Actually, we will be able to do all of them.

Councilwoman Peterson: Are these laptops so they can do all of the reports and everything?

Assistant Chief Weyand: They are not laptops. They are actually fixed mounted computers.

Councilman Jaehnig: They will be able to run license plates and do background checks and things like that.

Assistant Chief Weyand: [Inaudible for Transcription] in the cars.

Councilwoman Peterson: Okay. Thank you.

Councilman Jaehnig: Now is this the standard system or is this like the upgrade that Cincinnati has that automatically reads the license plates?

Assistant Chief Weyand: No, that is a totally separate system in itself. It is nothing like that, no.

Councilman Wallace: Does this grant cover all of the costs or is it a matching grant? How does this work financially?

Assistant Chief Weyand: It is a matching grant. We have to come up with 25% of the cost. So the thought was our 25% will come from federal forfeit funds that we have that will cover the difference in that. Then, it should pay for everything else that associates

with that. It will basically work off of air cards. After the first year, we will have to cover the cost of the air cards. So they will also have internet capability while they are in and out of their cars.

Councilman Wallace: So we think the cost is going to be about \$100,000 cost and we will pay \$25,000.

Assistant Chief Weyand: I'm sorry?

Councilman Wallace: So you are thinking this is about a \$100,000 expense, and we are going to put in \$25,000 and the grant is \$75,000?

Councilman Jaehnig: And the \$25,000 is going to come from the forfeited drug money.

Councilwoman Peterson: That is what I couldn't hear.

Assistant Chief Weyand: Forfeited funds. It is no cost to the taxpayers.

Councilman Jaehnig: How many computers are going in the cruisers?

Assistant Chief Weyand: Nine. The thing is a lot of technology has come down in cost over the years.

Mayor Raizk: When we first started looking at this system, it was a quarter of a million dollars originally, and it has really dropped in price...for a system like it.

Councilman McKay: And we have over \$80,000 in federal forfeited funds, correct?

Councilman Wallace: And it is proven software, right? [Inaudible for Transcription]

Assistant Chief Weyand: We're going to use the same stuff that we currently have downstairs. It is basically going to put the officers out on the road and they can do their paperwork while they are sitting on the intersection or something.

Councilman Wallace: So we know what is there, right?

Assistant Chief Weyand: Right.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on A Resolution Authorizing the Mayor to Submit an Application for an Edward Byrne Memorial Justice Assistance Grant of \$75,000 for Mobile Computers from the Office of Criminal Justice Services, a Division of the Ohio Department of Public Safety and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2138 passed as read.

Councilman Jaehnig: The second item is three readings on a resolution for another grant to the Rural Law Enforcement to Combat Drugs Grant for cameras. Duane, these are not for the vehicles, correct? These are cameras for trouble areas.

Assistant Chief Weyand: These are cameras that you take regular pictures with. Plus, they are for our interview room and stuff like that. The stuff we are applying for fits the

definition of what is in there. It is really a Rural Law Enforcement Investigative tools-type grant that falls under the heading of solicitation as it combats Crime and Drugs Grant. We are looking to basically put interview rooms in our downstairs and have cameras and DVRs so you can record those types of things.

Councilman Wallace: Again, is this a matching-type grant?

Assistant Chief Weyand: It is not.

Councilman Wallace: It covers everything?

Assistant Chief Weyand: Yes.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on A Resolution Authorizing the Mayor to Submit an Application for a FY 2009 Recovery Act Assistance to Rural Law Enforcement to Combat Crime and Drugs Grant for \$11,000 for Digital Audio Video Surveillance Equipment and Declaring an Emergency.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2139 passed as read.

Councilman Jaehnig: Duane, I would like to thank you for all of the work you did in identifying these and applying for them. I think this is a great step in the right direction. Thank you. That is all we have, Mr. President.

Mayor Raizk: I just want to second that. Duane has been doing an outstanding job as Assistant Chief, not only in operations but also in finding these grants...the COPS grant we are working on, and these three grants. He is always looking and working to try to make it better for us to do a better job. I want to publicly thank him. Also I said in the committee meeting, but I will say it here out in open session. I would like to congratulate him. He will be receiving his Bachelor's Degree from Wilmington College on Sunday.

[Applause]

Mayor Raizk: I've embarrassed him enough.

President Ertel: Hopefully it is in Criminal Justice.

Assistant Chief Weyand: Heating and Air Conditioning.

[Laughter]

President Ertel: Congratulations. That is a great milestone. Okay. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp: Yes, Mr. President. We have two items this evening. The first item is three readings on a resolution adopting the Downtown Wilmington Revitalization Plan Market Analysis 2008 and Declaring an Emergency. Are there any questions?

A motion was made by Popp and seconded by Peterson to give the first reading only on A Resolution Adopting the Downtown Wilmington Revitalization Plan Market Analysis 2008 and Declaring an Emergency.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2140 passed as read.

Councilwoman Popp: Our next item has to do with a time-sensitive grant. Three readings on a resolution authorizing the Mayor to submit a CDBG Tier II Threshold Application and Declaring an Emergency. Are there any questions?

A motion was made by Popp and seconded by Peterson to give the first reading only on A Resolution Authorizing the Mayor to Submit a CDBG Tier II Threshold Application and Declaring an Emergency.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2141 passed as read.

Councilwoman Popp: I would like to thank Laura for bringing this to our attention so we can get the monies and have matching funds to get some good things done downtown.

Mayor Raizk: More good things.

President Ertel: Very good. Parks and Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace: I noticed in the paper that we have our Master Gardeners working at the entrance. I think that is going to be a very nice plan; it is going to look very nice, so we are excited about that. Also being the summer, the season kickoff is just around the corner. Teams have been practicing for a couple of weeks. I don't know how many numbers we have. I know there was a time when we thought the numbers were really down a little bit due to the economic turn that we are into, so I don't know what the final numbers are yet for participation. Certainly, our summer plans are moving forward and we are excited about letting the rain stop and the sun shine and start enjoying life out there at Denver Williams Park.

President Ertel: Sounds great. A big season full of leagues and so on and so forth, I'm sure.

[General discussion of park facilities with numerous speakers – general banter]

President Ertel: Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Safety Director?

Safety Director – Nick Babb: I have a little report. The Safety Committee will remember that three or four years ago we talked about replacing the equipment in dispatch. We were talking at that time, I think, \$600,000 to \$700,000. Then it went down to \$500,000. With the Nextel re-banding that was done, we got new radio equipment for free in dispatch. The last component of our dispatch system is the Zetron units, which are the radio units that send out the tones for the Fire Departments. We will have a resolution at the next council meeting to apply for a grant, which we think we are going to get, to replace all of the Zetron units. So we will have done this for no general fund money. The two fire trucks are in that we ordered a year ago last January. I would encourage you, invite you, to go out to Station II. They are not in service yet. Go out and look at these trucks. They are really special vehicles. They had them out to the landfill last Friday. We had one of them out there to pick up Donnie Maher. They went out there to try to get one of them stuck and we couldn't do it. These trucks will have a unique capability, not just in field fires and responding to farm incidents, combine fires and things like that, but also in the wintertime. This will give us the capability to fight fires and go places we can't go...that we never could have gone...in blizzard situations. As soon as we get these trucks in service, we will have one of them up here prior to a council meeting so you can get in it. They are big trucks and they are really unique. They are both out at Station II right now. It will be about a month before we get them equipped and everybody trained on them. They are state of the art...in-cab computer that controls nozzles. It is really something to see. Are there any questions for me? Thanks.

President Ertel: Thank you. That sounds great.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – April 2009 and the Water Department Revenue Report – January-April 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

Councilwoman Popp: Mr. President. I would like to mention two upcoming events. On May 16 and 17, there will be a girls' Fast Pitch Softball Tournament at the park. It will be for ages 10 and under teams, 12 and under teams, and 14 and under teams. There will be 23 teams here for two days. That is Saturday and Sunday. That will bring well over 600 people that will be connected with these teams – players, coaches and families. Then on June 5, 6, and 7, Friday, Saturday, and Sunday, there will be 64 teams from all over the state. I have done the math and it will be about 1600 people estimated – those are just players, coaches and families. That will bring quite a bit to our economy. These people will have information about area attractions, dining, menus, and coupons that we can get from merchants. We are going around making merchants and restaurateurs aware that these people will be in town so they can prepare. It can certainly help the economy, so it should be good.

Councilman Wells: I would like to thank Faith Baptist Church and Pastor Tom Garlock for the National Day of Prayer Breakfast today. It was really nice. Thank you.

President Ertel: Very good.

Mayor Raizk: Can I say one thing? You all got this sheet. One of the reasons for doing this is just to make you aware. This is not a cause for alarm yet at this point, but it does tend to reflect some of the economic activity that we are having. There is a little less water usage. I know those gaps look huge between that and that. It is about \$80,000 of revenue in that time period, but it does speak to one of the things that we... We've always looked at the General Fund and income tax revenue as a measure of the impact of our current economic situation, but we sometimes forget that the enterprise funds are

being impacted as well with people. Whether it is a plant closure or whatever happens; it does affect that. Similarly, even though we have had, and we are looking at our rate rollback on sewer, but we also remember that the sewer usage is tied to the water usage. So, we are getting similarly a little loss in usage, right now. It is just something to be aware of. It is nothing to be concerned about, but we are going to closely monitor this to make sure that we don't fall into a negative position, especially with bond coverage.

Councilman McKay: The 2009 figures, those are actual figures? Those are not projected for the year? Is that correct?

Mayor Raizk: This is January through April revenue. I believe these are all alike. They are all January through April revenue. In other words...if you look at that...the graph is bigger. If you look at those numbers on the left-hand side, you will notice we are little less than \$900,000 in 2009 for that period. Our biggest period was in '07, which was a little less than \$980,000. It looks like about an \$80,000 dip in revenue in the January through April time period.

Councilman McKay: I just wanted to make sure we are comparing the same thing.

Mayor Raizk: Yes. Apples and apples.

Service Director Reinsmith: A little side note on that. We've always seen our top-ten users being big factories, schools, the college, and the hospital. I was talking to Barb the other day and she told me that one of the apartment owners has broken into the top-ten users.

Councilman McKay: Is that because the factory use is down?

Service Director Reinsmith: Yes.

Mayor Raizk: So, it is a moving dynamic. We just need to be aware. We want to make you aware of it as a city. It is not a cause for alarm in that scenario, but it is something that we need to monitor and watch.

Service Director Reinsmith: I talked to Jerry today, and he is really watching it closely. He is watching all of the expenses. He wants to make sure he keeps our bond-debt ratio where it needs to be. He is pretty frugal on that.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, May 21, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

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

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the last regular meeting, May 7, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: At this time, I would like to call on Don Wells for some information.

Councilman Wells: I handed out to, I think, just about everybody one of these free health-screening posters here. I received a letter, and they asked me if I would say something about this at City Council. It is from the Holistic Health Ministry of the Presbyterian Church of Wilmington, 840 Timber Glen Drive.

Dear Members of Wilmington and Clinton County Community:

On Sunday, August 9, 2009, from 1-4 p.m. at Sugartree Ministry Center, Your Father's Kitchen, the Holistic Health Ministry of the Presbyterian Church of Wilmington and the Sugartree Ministries are cosponsoring the Mobile Health Fair Ministries. It is a ministry of people and churches working together to demonstrate God's love in a concrete and useful way to the people who need it most. It will offer 23 different health screenings and health education stations to the uninsured and underserved. They do not diagnose or treat. They focus on connecting clients with free or reduced-fee followup care if indicated. We are hoping for about 220 to attend. We would like to invite you to join us for this exciting and helpful effort to bring needed services to a hurting community.

Councilman Wells: That is from the Wilmington Presbyterian Church. Here, Gary. I don't think you got one. Did everybody get one? All right. That's all. Thank you.

President Ertel: Well thank you so much, Don. It sounds great. Okay. That concludes my portion of the agenda. Mr. Mayor.

Mayor Raizk: I don't really have a report, I just want to wish everybody a healthy, happy and safe holiday weekend upcoming. I know there are a lot of great activities going on in our community and encourage everybody to participate as much as they can. Hopefully, you will have a safe and wonderful Memorial Day. That is all I have.

President Ertel: Thank you so much. Asset, Acquisition and Use?

Asset, Acquisition and Use – In the absence of Chairperson Sandy Mongold, Councilman McKay: I don't think there is any report, Mr. President.

President Ertel: Okay. Thank you. Mr. Auditor?

Auditor – David Hollingsworth: Nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – In the absence of Chairperson Sandy Mongold, Councilman McKay: In the absence of our Chair, I can go through these items. The first item is an ordinance making supplemental appropriations. Does anyone have any questions about that item?

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

Motion passed

Director of Law read ordinance by title only.

A motion was made by McKay 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; Peterson, yes; Wallace, yes; Popp, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4846 passed as read.

Councilman McKay: The second item is making miscellaneous transfers. Are there any questions regarding those?

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

Motion passed

Director of Law read ordinance by title only.

A motion was made by McKay 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; Peterson, yes; Wallace, yes; Popp, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4847 passed as read.

Councilman McKay: That is all I have, sir.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: I have no report, Mr. President.

President Ertel: Thank you. Street's Committee?

Street Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have one item: The second reading on an ordinance approving the Clinton County Solid Waste Management District Plan. Are there any questions or discussion?

A motion was made by Wells and seconded by Peterson to give the second reading only on the ordinance Approving the Clinton County Solid Waste Management Plan.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Wells: Thank you.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Popp: I have one item, Mr. President. Three readings on a resolution authorizing the filing of a four-year capital and operating plan with the Ohio Department of Transportation, covering the period of January 1, 2010, through December 31, 2013. Are there any questions?

A motion was made by Popp and seconded by McKay to give the first reading only on a Resolution Authorizing the Filing of a Four Year Capital and Operating Plan with the Ohio Department of Transportation Covering the Period January 1, 2010 through December 31, 2013.

Motion passed.

Director of Law read resolution by title only.

Councilman Wells: Mr. President.

President Ertel: Yes.

Geoffrey Phillips: Question. In the past, have we not had a public hearing? Is there a change in the state's procedure?

Clerk Laura Curliss: Phil did not ask for one.

Mayor Raizk: This is not what you're thinking it is. This is something a little different. This is just filing a four-year plan. It is not the public hearing part where we have it on the actual budgets and capital operating.

Geoffrey Phillips: So, we are not actually applying for money.

Mayor Raizk: No. This is a four-year plan. They are doing things a little differently, Geoffrey, right now. We will still have to come back and do like we normally do with the budget and all that kind of thing.

Paul Hunter: Shouldn't the Superintendent of Transportation be here to address this issue?

Mayor Raizk: He was not able to attend tonight.

President Ertel: Okay...go ahead.

Councilman McKay: I'll second the motion, but I'm wondering...did you have something specific?

Paul Hunter: No. It's just that they usually comment.

Mayor Raizk: As I said, this is something a little different. We're filing our plans and the state is now filing their stuff with the federal government. Much of the money that comes through to the state flows through from the federal government.

Geoffrey Phillips: Mayor, I have a question. Is there any difference from what we have done in the past?

Mayor Raizk: No.

Geoffrey Phillips: Vehicles and subsidies and...?

Mayor Raizk: Right. It is just their funding mechanism has changed a little bit.

Geoffrey Phillips: Thank you.

Paul Hunter: We don't have to put any more in, right?

Mayor Raizk: Actually, we are putting in less this year than we have before, Paul. Phil has done an outstanding job, and some of the new changes in the way we have been doing it have actually been reducing the City's share. It has worked out quite well.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2142 passed as read.

Councilwoman Popp: Nothing.

President Ertel: Okay. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item tonight, Mr. President. I am asking for three readings on a grant proposal. This is for \$73,000+ for replacing the Zetron dispatching equipment. We had a brief discussion about this at our last meeting in regards to this is something we wanted to do a couple of years ago and did not have the money for. Nick, if I remember correctly, was this a 100%.

Safety Director Nick Babb: It is a 5% city match.

Councilman Jaehnig: Just a 5% city match.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on A Resolution Authorizing the Mayor to Submit an Application for an Assistance to Firefighters Grant of Appropriately \$73,667 for Zetron Dispatching Equipment and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2143 passed as read.

Councilman Jaehnig: I would just like to thank the two chiefs for all of their work in continuously finding new grants and new opportunities to try to take care of some of their needs. I appreciate their work. That is it, Mr. President.

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

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Okay. Parks and Recreation?

Parks and Recreation Committee - Convener Mike Wallace: Play ball!

President Ertel: Sounds good. I've seen the softball tournaments out there on the weekend. Goodness gracious! Very good.

Councilman Wallace: That is all.

President Ertel: Service Director?

Service Director- Service Director Larry Reinsmith: I don't have a real report, but we were notified by ODOT this week that they are going to close State Route 134 on June 1 for about 28 days. We sent out a notice to all of the departments with a very graphic detour map. It is interesting in talking with somebody from ODOT: They told me that they are going to let that third phase contract next month, and they should start construction probably in July.

President Ertel: It looks like it is going to blow right on through, perhaps.

Larry Reinsmith: So, they have cleared for Phase III.

Mayor Raizk: Mr. Jindal, the Director of District Eight, has assured us that the project is on-time and under budget.

Geoffrey Phillips: Phase III came in under four million dollars.

Mayor Raizk: Phase II was under as well, so they have done a good job in their bidding.

Service Director Reinsmith: So, hopefully in about two years we will have the route all the way through.

Councilman Wells: Larry, can I ask you a question? Back in Timber Glen, back on Meadow Ridge in the back, have you heard anything about when they might be dedicating that street back there and finishing up?

Service Director Reinsmith: We can't hear anything from those people.

Councilman Wells: I had a couple of questions about that.

Service Director Reinsmith: We call, and they will not return the calls. However, you know, they did pave that whole section back there; they are not going to be able to sell a lot until they get all that stuff cleaned up.

Councilman Wells: The part that I was concerned about was the existing neighborhood.

Service Director Reinsmith: I know; we looked at that the other night.

Councilman Wells: All right. Thanks.

President Ertel: Are there any other questions? Okay. Safety Director?

Safety Director – Nick Babb: No report.

Reports:

A motion was made by Jaehnig and seconded by Wells to approve the Auditor-Treasurer's Report – April 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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. If you would, please, approach the microphone and give your name and address for the record.

Dave Hinman: My name is Dave Hinman, 2058 N. State Route 134. I've been wanting to address the Mayor and Council for some time...just to acknowledge (it is nothing new to anybody in the community), but the tremendous amount of pressure. Who would have guessed a little over a year ago that this last year would have been as it was. To be on

60 Minutes, David, to have corresponded as you have with the media, to have met with the Vice-President of the United States, who would have ever dreamed. I am not a Wilmington citizen, but live just outside the corporation limits and feel just as though I was. I just want to offer kudos and thanks and let you know that the public recognizes the tremendous effort that you have put into this last year. It is not just you, but many. I also wanted to recognize that on the National Day of Prayer, thanks to some help from Pauline and from Laura and so forth, you had a conflict and a request to come to the Courthouse and declare a Day of Prayer for the City of Wilmington that day. You were Johnny-on-the-Spot, and rearranged schedules to be there in support of that initiative. I think that is just another example. With all that is going on, you don't forget the basics. I just appreciate the integrity and the character that you have shown through this last year. That is all I wanted to say...just a heartfelt thank you.

Mayor Raizk: Thank you. I appreciate that. And one thing, even though you live outside of town, we consider you, especially when the lights go out, a resident of our community.

Dave Hinman: It is a pleasure.

Mayor Raizk: You are always our first call.

[Laughter]

Mayor Raizk: Thank you very much, and thank you for the things that you did when we had some severe weather trouble. I know we were unsure why you had to be in another community and a stranger had to be here when you knew this community better than any stranger would. Even though you were in Dayton, you were answering your cellphone and trying to help us out over here. That meant a lot to us. Thank you. Can I make an announcement?

President Ertel: Sure.

Mayor Raizk: I did want to announce, and some of you know this already, but the Economic Task Force is having a Town Hall Meeting at 7:00 on May 28, if that date is significant. It will be at Boyd Auditorium.

Councilwoman Peterson: A.M. or P.M.?

Mayor Raizk: P.M. One of the things is we were trying to get to a non-council night so we could have it in the evening at 7 p.m. Of course, everybody is invited to attend. We are going to have, I believe, a nice format. We're going to try to bring you up to date on what the Task Force has been doing and give you a background from a historical perspective. We will have some active participation, but we don't know if our senators and congressmen can come. We do have video and some teleconferencing from our public officials. There will be ample time for questions and answers and discussion. Yes?

Paul Hunter: Will the public pre-submit questions, or are you just going to have...?

Mayor Raizk: That is a good question, Paul. We discussed that a little bit. I think what we were thinking about doing was having people, to at least get some runners down, to take the questions as well. If you have a list of questions, bring it with you. Also, get it to our office and that way we will have it and we will see if that works. We were trying to find a good mechanism. Certainly, give your list of questions to the office.

Paul Hunter: It is already made out.

Mayor Raizk: Good. That is fine. That is all I have to say. I hope everybody can make it there; it should be interesting. It is at Boyd Auditorium.

President Ertel: Any other questions?

Councilman Jaehnig: I would just like to congratulate Paul. I was out at the wind meeting on Tuesday evening for the wind farm. He had a huge turnout, a very impressive turnout for it, and it was a very, very informative meeting. Congratulations, Paul, on your hard work. Thank you, Mr. President.

President Ertel: Very good.

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

Paul Hunter: Cloverdale Farms was absent for that meeting.

President Ertel: Yes, we were. One, we did not get an invite and, two, I was out of town. So, I'm Sorry.

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, June 4, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President Ertel: Thank you so much. I would like to welcome a new face to our efforts here. Andrea Tacoronte. Did I do that right?

Andrea Tacoronte: That was very good.

President Ertel: She is the new replacement for Pauline, who retired just last Friday. Andrea has been with us for a number of years doing different things and so on. We are glad to have you full-time now. So, we look forward to a big and prosperous future. If you have any questions, let us know.

A motion was made by Wells and seconded by Peterson to approve the minutes of the last regular meeting, May 21, 2009, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel : At this time, I would like to introduce Allen Fore from Rockies Express East. They have a little presentation here on their progress. For persons in the audience, if you can, switch those from time to time for us and for them. We would appreciate it so that they have everything and then can see all of the information we can see. Thank you.

Allen Fore: Thank you very much, Mayor and Council. My name is Allen Fore. I am with Kinder-Morgan, which is the parent company of Rockies Express Pipeline. I'm sure you are all aware of our pipeline, with our big pipe yard down the road and our two contractor yards now in full operation. I just kind of wanted to give you an update on the project, where we are right now, and what you can expect to see from us over the next few months and the benefits that we are bringing to the community and are very pleased to be doing so. I think you all have hats.

President Ertel: We appreciate that, by the way.

Allen Fore: The Mayor was gracious enough to come to our construction kickoff a few weeks ago. Those fall within the ethics.

President Ertel: We think so.

Law Director Kathryn Hapner: I was just thinking, "We're okay on the ethics."

Councilman Jaehnig: The Auditor is not here...so you're good to go.

Allen Fore: We are a natural gas pipeline. Ohio is actually the last phase of our project. We're 1700 miles long. I think one of these shows our project map. In your packets, you all should have the presentation that I am going to be speaking from. We're a 42-inch natural gas pipeline, the largest energy infrastructure project in North America – 1700 miles long – extending from Weld County Colorado and eventually terminating in Eastern Ohio, right on the West Virginia border, in Monroe County. We have been at this a long time. This is about our fourth year of construction. We are under construction in all phases of the project now. We are complete with construction to eastern Missouri. There is about a thousand miles of pipeline in operation flowing about 1.2 billion cubic feet per day of natural gas. That is enough to heat about two million homes. Once we are

complete with the project, and we are in our final phase of construction now in Ohio, we are expected to have gas delivery to Lebanon, Ohio, to the Lebanon hub, by the end of this month. That will be a capacity of probably about 1.5 billion cubic feet. Then, by the end of the year, in service all the way to eastern Ohio. The importance of the project is multifaceted. The primary purpose of the project is to provide a very plentiful and new source of natural gas to this part of the country. Right now, natural gas prices are down, which is good – good for the State of Ohio and good for the country – but they will not always be. This pipeline provides infrastructure across the country for Rocky Mountain gas. Right now, there is no direct transportation system to get that gas from the Rocky Mountains, where it is very plentiful and cheap, throughout the United States, throughout the states that we pass and into the State of Ohio. It is important to note about our project, too, it is not simply a transportation system moving gas from the Rocky Mountains to the east coast. There are multiple delivery points all along the route that we pass – 20 delivery points, in fact, on the eastern 700 miles – and several delivery points right here in the State of Ohio. What that means is that gas from this line will be flowing to customers in the State of Ohio. Columbia Gas is one of our delivery points, as well as several others. That means that additional supply of natural gas will be flowing to consumers in the State of the Ohio. I think that is important for you. Very likely, some of you and your constituents will be receiving some of that natural gas. So, that is the long-term, most important part of the project.

Allen Fore: Let me give another long-term benefit (which I think you will also appreciate) and that is the tax revenue generated off of this pipeline. Clinton County will receive, we are estimating, about \$1.7 million annually in new tax revenue once we are operational. Ohio has a unique tax structure. Did I say unique? It's large – a large taxing structure – on natural gas – on interstate pipelines. We are taxed at around 88% of assessed valuation, which means a very significant revenue stream for any taxing jurisdiction through which we pass; so townships and school districts will be the biggest beneficiary of tax revenues. Any tax district we pass through in this county will get part of that \$1.7 million annually. That is going to be significant, not only during the first year, but in the many years we are in operation. Our anticipation is, the commodity that we are transporting is natural gas, the supplies from the Piceance Basin in Colorado are plentiful, and we expect to be flowing gas in this line for 50, 60, 70 years and more. The technology with construction of pipelines of this kind today...really...there is no shelf life for a pipeline. As long as it is properly maintained, it can be operational long after anyone in this room, including the young people who are over here, so it has a very long, long shelf life.

Allen Fore: Temporarily, there are also a lot of benefits. At our two construction yards out by the interstate, we are employing right now a workforce of about 1200 to 1300 people. Those are union construction workers – good jobs – welders, operators, teamsters, laborers and support personnel, so it is a very significant boost locally. Those are a combination of local workers and also other workers that are brought in. The uniqueness of our project, the local unions will fill those jobs with local folks as much as they can. The ones they can't, they will bring in folks from other parts of the country, other union locals, to assist. So you get the benefit of people who are here, who are going to have local jobs during the course of construction, which should last until close to the end of the year, as well as those that are coming from outside who are living here for several months and spending their money here. I think that is important to your local businesses.

Allen Fore: In addition to that, our construction yards do use local vendors for anything that they purchase from fuel, to commodities, to anything that is related to construction. We have already spent around \$3.9 million on local vendors. You have a list of several of those in your packets. We anticipate by the time we are done with construction that revenue will be well over \$10 million into your local economy. We know that is important in a tough time.

Allen Fore: We are also going to be doing some other things. Matt was talking today to the city about donating some wood chips that we have. It may sound insignificant, but we are talking about several thousand dollars worth of wood chips that we want to donate to some park district or somebody in the area that could use those. I think we

have some good options with the county to do that, but we did make that offer to the city as well. We are also going to be making a donation to the school district, out of the Kinder Morgan Foundation. All of these kinds of things are to be a good corporate citizen, a good neighbor. I think we have been. We have had a construction yard here for some time now. We are really increasing that impact over the next several months. We are going to be here a long time. We want to be a very good neighbor to the community. We are very pleased, and on behalf of our thousands of construction workers and others that are in the area and have been, they have been welcomed, and we do appreciate that. It is a very welcoming community. Folks have been glad to be here, and we appreciate the support that you have given us throughout the course of this project and over the next several months. That is not to say that there might be some issues that come up. When you have a thousand of construction workers and others in the area, you may have issues from time to time. We are here to be responsive to the elected officials in the community for that and with that and happy to respond with our teams of folks on the ground to assist in any way that we can.

Allen Fore: In a time in the United States when we are talking about less reliance on foreign energy, (The president is talking in ten years about complete non-reliance, if you will, on foreign sources of energy), these are the types of projects that are necessary. Transporting domestic energy to the United States. Not having to rely on foreign crises or governments that really don't like us very much. All we have to rely on now is the government of the State of Colorado, and I think that is pretty reliable. These types of projects are very, very important. You are going to see a lot of other pipelines and other infrastructure projects as we try to move towards more domestic energy and also cleaner burning fossil fuels, like natural gas, and also alternative fuels – wind, solar, biofuels – all important. But you have to have an anchor for that – and that is natural gas because there is so much of it out there. We just have to have the infrastructure in place to get it from point A, where it is plentiful and usually in remote areas, to populated areas like this in the State of Ohio and across the country.

Allen Fore: So we appreciate the support you have given us, and we look forward to being here for the next several months. Again, if you have any questions at any time or issues or concerns, please feel free to contact us, and we will certainly invite the council and elected officials. We do a number of right-of-way tours during construction. We would be happy to invite you up to join us on one of those. I think you will find it a very fascinating process of pipeline construction – actually out on the right-of-way to see that in person. Again, thank you for the opportunity to be here. If there are any questions, I would be happy to answer them.

Councilman McKay: I would just like to say...our family has a farm, which your pipeline is going to traverse. We have had nothing but good experiences with your folks. I just want to compliment you. It has just been all good.

Allen Fore: I appreciate that. Thank you.

Councilwoman Peterson: I represent council on the Board of the Convention and Visitor's Bureau. Properties have certainly been thankful for the visitors that have been staying there as you have been working on the pipeline.

Allen Fore: Great.

President Ertel: Very good. I have one business-related question. Natural gas through Mount Blue, which is the Lebanon link, correct? You are going to be hooking up within the month? Can we expect significant decreases in cost?

Allen Fore: I've never been asked that. Let me answer that in a couple of ways. We create the infrastructure. Rockies Express Pipeline is a partnership between ConocoPhillips, Kinder Morgan, and Sempra – three large energy companies, but we build the infrastructure and own the infrastructure. We don't own the gas. It is much like a toll-way. We build this as a private company. By the way, no stimulus money or government loans or anything like that; it is all privately financed. The way we get our return on the investment is by a federally regulated toll, regulated by the Federal Energy

Regulatory Commission. They say what we can charge to allow gas to come through the line that we built. Now, having said that, the shippers that do own the gas, it is market driven. So an additional up to two billion cubic feet a day is going to be flowing in this line when we are fully operational. That is going to be a new supply of natural gas to the market that was not here before. The market would generally indicate that that new significant amount of natural gas would lead to a decrease in prices. In fact, this is not quoting me, but a Toledo newspaper did an analysis of what they thought it would mean when we went online and they are estimating that it will lead to a reduction in natural gas prices for the consumers.

President Ertel: Good news.

Mayor Raizk: Did you not tell me, I think, when I was at your construction meeting, that Vectren is one of the customers?

Allen Fore: It is.

Mayor Raizk: We have had pipelines that have traversed this area before, but no one really along the pipeline ever benefited in terms of that.

Allen Fore: Is Vectren the local provider?

Mayor Raizk: Vectren is the local provider. It is a new name for Indiana Gas...and they are one of ours.

Allen Fore: They are a delivery point and will be purchasing gas from the line.

Mayor Raizk: That's great.

President Ertel: Okay. Thank you so much. Are there any comments or questions from the general public?

President Ertel: Okay, Allen. Thank you very much. We appreciate you coming. Keep up the good work. Next on the agenda is John Schum, and he is going to talk to us about the bicentennial stained glass project.

John Schum: Thank you ladies and gentlemen, members of council. I had initially made a proposal to the city to jazz up the city seal a little bit – the existing one. The first proposal had some different color changes and stuff like that. The existing one is red and blue with some black lettering and some white lettering on it. I was just trying to jazz it up a little. I talked with Miss Curliss about it and I think she spoke with our Mayor. The suggestion came back, “Why don't you look into something a little different. See what you've got and let us take a look at it.” I went back and worked on it for a while and made a rendition of the city building. It is not exactly technically accurate, but it is a rendition of the city building. There is something on there about the city and that we are having our bicentennial next year. I tried to incorporate a little of that in there. There is a little banner across the bottom and some sunshine behind it, you know, to make it look nice. With some input from several people, we went through a couple of different color versions, and this is what has come back as what they said they would like to have. The city has, in fact, purchased the rights to own the seal, and this will be, if I understand it correctly, Mr. Mayor, our new city seal.

Mayor Raizk: Yes, that is correct.

John Schum: I don't know exactly when it is going to be coming out, when we are going to see it on the city vehicles or anything like that, but I would imagine it would have to do something to do with the bicentennial next year. I mean, it would seem to be logical to that. Anyhow, in keeping with that, my proposal was then to put an image of this in a 6-foot diameter stained glass window right here above the door. At this point, this is a like an inverted-bowl shape – a semicircle – above the door of the archway on South Street, which would be the east side of the building. There are two sets of doors that have the same basic shapes of glass in them. I think, in speaking with the gentleman

from the city here, this is to be mounted to the inside of the exterior set, so you would still have the benefits of the thermopane glass and the protection for the colors. In addition, you would be able to mount it fairly easily to the inside there – securely fastened. I have spoken with Xenia Glass. They said that they were the ones that installed your doors when you had your building constructed. That is what they told me. They were perfectly willing to use their licensed, bonded people with scissor lifts and all of their workman’s comp and insurance and all that stuff to put that in, so that I wouldn’t have to wrestle a six-foot, several-hundred pound piece of glass by myself on a stepladder up there. I was very grateful for that. This is where we are right now. I have had this sitting over in my shop over at the South Street Gallery on an easel. Occasionally, what is cool, is people will be walking around downtown again, like when we were kids. They will stop in and look at the stuff, and they see this and they ask about it. I tell them the little story thing. I say, “We’re trying to put together a proposal for the City so we can put this stained glass up there on the east side of the building.” Almost without exception they say, “How can we contribute to that?” or “Who is taking care of the process for this?” Then it occurred to me, well, I don’t own it anymore. It belongs to the city and I need to go see Miss Curliss about this. She is the lady who I have been talking to about trying to get my business going and what do I need to do and who do I need to see and all that. She has been a real good source of information for me over time. She suggested that there were certain things that needed to happen. You have to have a specific...maybe an ordinance or a proposal passed to see if the city wanted it to start with. Second, once you have a desire for something like this, you need to have a hole to put the money in and someone needs to take care of that. It all has to be handled in accordance with whatever the regulation are. So that is where we are at right now. There was a letter, I guess it is a letter, put together. I think maybe you all have a copy of this. It refers to the proposed stained glass window and where it would be located and the cost. I guess, at this point, the city has agreed to accept donations for the project. When sufficient funds are raised, I can begin work. The way that stained glass projects work for commissions like this, is that once you have half...I guess it is like that with construction stuff too...when you have half down and the other half on delivery. Actually, you only need to have half of the money for me to get started on that. I am going to need several months to make it because it is a great big thing. It is not just that it is more pieces of glass. I have to make a table first to put it on because it is so big. You have to be able to handle it safely. You just can’t pick it up and move it around because it will bust. I have to do setup for that. I usually don’t make big giant things like this. I have before, but whenever I do, I have to engineer stuff so that I can handle them properly so that I don’t damage myself or bust them up. So that is where we are at right now. It is going to take several months to make it. I think the general consensus is it would be cool to have it for the beginning of the bicentennial since it has bicentennial all over the front of it. That is why toward the end of August would be a good kickoff point to shoot the gun so to speak. Do you have any questions about anything?

Councilwoman Peterson: I just have a couple of comments. As we talked about this during the committee meeting, we like it and think it is a great idea. We obviously don’t have the money for it, but we are willing to accept donations. Our concern was even if we get half and you get started (we would hope the donations would continue to come in), but it would be a risk to you. That is my only concern.

John Schum: Right.

Councilwoman Peterson: Hopefully, we would see some activity and some donations, but that was a concern that we did voice during the committee meeting.

John Schum: I understand.

Councilwoman Peterson: I think it is a great. I am glad you took the initiative and presented this because I think it would be a great addition.

John Schum: I am actually looking forward to seeing them on all the trucks.

Councilwoman Peterson: We are too.

Mayor Raizk: With some good publicity from Gary, hopefully, we will get these donations together.

Councilwoman Peterson: Yes, Gary, we're going to hold you accountable for this.

[Laughter]

Councilman McKay: I think it should be said that John is really a good community citizen. He has a unique talent that he has shared in a lot of ways. He has had his studio over at the General Denver and he has made a donation there to those folks that is beautiful. The fact that you have moved on and you have a whole new thing going is great for the downtown. Thank you very much.

John Schum: That's okay.

Councilwoman Peterson: We certainly hope that it moves forward.

John Schum: I am trying to get it so that there will be classes in the studio here every night of the week so we will have more people walking around downtown – well, like it was when we were kids. Is there anything else?

President Ertel: That's great. Are there any other questions? John, thank you so much. Excellent work. That concludes my portion of the Agenda. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. The first item I have is a proclamation. As time is marching on for me and some of the rest of us, this proclamation becomes more and more important. We are going to have our first annual Senior Awareness Fair, is that right? So, I have issued this following proclamation.

Joan Burge and Sue Caplinger, representatives of the Senior Awareness Fair, came forward to accept the proclamation.

***WHEREAS**, The City of Wilmington recognizes the importance of honoring, protecting, and caring for the elderly in our community; and*

***WHEREAS**, in 2008, over 16% of Clinton County residents were over the age of sixty, which places Clinton County 69th among Ohio's 88 counties in the proportion of its residents who are over the age of sixty. The Scripps Center for Gerontology projects that Clinton County's older adult population will increase by 74% within the next 11 years; and*

***WHEREAS**, in 2007, there were 36 cases reported to Adult Protective Services of elderly citizens who were in danger of harm, unable to protect themselves, and/or had no one to assist them. In 2008, there were 494 seniors who received assistance from Elderly Protective Services. These services included meals, homemaker services, personal care, and respite.*

***WHEREAS**, The First Annual Senior Awareness Fair will be held in Wilmington, Ohio on Monday, June 15, 2009, the day the state of Ohio has set aside as Elder Abuse Awareness Day. We believe this day should be educational and positive for all Clinton County seniors.*

***NOW, THEREFORE**, I, David L. Raizk, Mayor of the City of Wilmington, Ohio, do hereby proclaim the 15th of June 2009 as*

Senior Awareness Day

[Applause]

Mayor Raizk: If anybody can drop by on the 15th – it is 1:00 to 3:00, is that correct? At the Senior Center over on Nelson. So, please drop by.

Joan Burge/Sue Caplinger: Thank you.

Mayor Raizk: I would also just like to say this about John's seal. I am very excited about the seal. I think with the sunburst, much as the sunburst from Adena in our State symbol, I really like that aspect of it. It has some color that is very rich. To segue into our next item, we put some green on that seal. John was very good about putting some green on there, so that Wilmington is known to be a green community. I want to introduce... who is going to do the talking?

Mark Rembert: I think both of us are.

Mayor Raizk: Mark and Taylor – you are all very aware of them. First of all, I want to say, I have never seen such a great grassroots effort as what has come from these two young men. They went off to college and came back to their community and really, through whatever the circumstances or however they came to start to put this together, really have done a great job in presenting themselves. You are a credit to yourselves and your family and to your community. Wherever these things go, for the effort that you have expended and the amount of goodwill you have put through the community, for the bringing together of very disparate forces, I think you are to be commended and congratulated – no matter where this goes. I know that doesn't mean as much to you as getting the job done. Now we are talking about getting the job done. To talk about something that we have discussed in committee: A Green Enterprise Zone.

Mark Rembert: Thank you very much. It is very exciting. Especially since the last time we were here was about six months ago, just soon after we had gotten started. It is great to be back almost six months to the day from when we were here last time. As you know, we have been working since the inception of Energize Clinton County to promote the idea of establishing Wilmington as a Green Enterprise Zone. There are a few reasons why we have moved in this direction. One had not happened when we started but it has since, which is the American Recovery Reinvestment Act, which has put \$60 billion into the American economy to promote green economic development. This is a once-in-a-lifetime stimulus effort and it has been largely directed toward this area of the economy, which presents many opportunities, especially for communities like Wilmington that are economically distressed right now. The second reason is that last year at about this time the State of Ohio passed the Renewable Energy Portfolio Standards, which will require by 2025, 12½% of all Ohio's energy to be produced from renewable sources within the State of Ohio, which basically guarantees a growth in the renewable energy sector for the next nearly 20 years. So, there are great opportunities out there. As we have looked at the green economy and looked at what other communities are doing, we realized that to really spur this type of growth, to create new business opportunities, to create new job creation opportunities, two things need to be put in place on the local level. One is capacity building. Within the green economy, there are new sectors forming, new industries, new businesses, and new technologies. This is new across the country. To effectively facilitate development, especially on the local level, we have to begin building the capacity and the understanding of the businesses and technology and the local assets that we have and how those fit together. The second component is incentives for investment – spurring investment in green industry and green technology and especially in green infrastructure, which on the local level is probably the most impactful and useful type of incentive we can provide. So, the Green Enterprise Zone has tried to bring a convergence of those two areas and, in doing so, really position Wilmington to be at the forefront of local communities positioning themselves to really take advantage of this nationwide shift in our economy toward sustainable energy, renewable energy and diverse energy, along with natural gas and oil. Creating a diverse portfolio, and with that, new economic opportunities. So, I will let Taylor talk a little bit.

Taylor Stuckert: I am just going to follow Mark up a little. Again, I think you can't emphasize enough how new this type of development is and how much it is going to take, not just Wilmington, but the entire country, to build the expertise and the capacity to facilitate green development and to create economic stimulus. By creating a Green Enterprise Zone, it is not solely to benefit Wilmington on a local level: the ways we can benefit our local businesses and the ways we can attract new businesses. It is to benefit the State of Ohio and the rest of the country by presenting a model, not just of effective

policy that can be put into place which demonstrates community effort to build a specific type of development, but a model in place to demonstrate how communities that are in economic dire situations can respond to crisis. There have been communities in the past that have demonstrated this in many ways. I think this is not only a uniquely explicit way, but a very unique way of responding to this crisis. It is a unique way of demonstrating where we stand as a community in terms of building capacity and expertise that is needed to take advantage of the incentives out there and the economic potential that is available through this brand new area of development and industry. I think this will be an incredible moment for Wilmington, not just on that local level. Again, I think it will benefit our region. I think it will benefit our State. More importantly, it will benefit the rest of the country.

Mark Rembert: Just to wrap up. One thing we would really like to acknowledge also is how proud we are to have been part of the process of developing this. I think that, in itself, can serve as a model for many communities across this country. This piece of legislation was developed through a partnership of Energize Clinton County, the Clinton County Regional Planning Commission, Pure Blue Energy, which we have two representatives here tonight, and the City of Wilmington. It is truly a model for public/private partnerships – the community, business, and government coming together and working together, trying to solve big problems and really taking innovative steps to spur economic growth. We have been very proud to have been a part of it. We really have great gratitude for all those who have been involved.

Taylor Stuckert: I think it is more about the community than it is about us. I appreciate your words, Mr. Mayor, but I really do think it is a more of a demonstration of how this community works. We were talking to a reporter today about that very thing. You constantly hear about how the community is working to respond to this. I think this is just another product to demonstrate that process. Thanks to you guys.

Mark Rembert: Yes. Thank you very much.

Mayor Raizk: Thank *you* very much.

President Ertel: Very good.

Taylor Stuckert: The thing I passed out is available on our website. It just clarifies what the Green Enterprise Zone does. They are frequently asked questions that people might have. Thank you.

President Ertel: I have one question. On the first page, you are talking about a LEED-certified construction process. Could you tell me what L-E-E-D stands for?

Mark Rembert: Leadership in Energy and Environmental Design. It was a standard created by the U.S. Green Building Council. It is really probably the most significant standard we have within the green economy. LEED certification has taken off across the world as the standard for environmentally and energy efficient-designed buildings. Really, that is the benchmark, not only for green building, but I think for any sort of green standard. LEED has really sort of risen to the top.

President Ertel: That is fine. I just wondered what LEED stood for.

Taylor Stuckert: Also, this week or the following week – Wednesday night and Thursday night, we will be having an open house at our office. We invite the public to come in and discuss this and any questions they may have since it is a new thing to many.

President Ertel: For the public, where is your office?

Taylor Stuckert: 55 East Locust.

Mark Rembert: We definitely invite council to join us. We would love for you to come and be involved in that discussion.

Councilwoman Peterson: Wednesday and Thursday night?

Taylor Stuckert: Next Wednesday and Thursday.

Councilwoman Peterson: 5:00 to 7:00 or...?

Mark Rembert: 7:00 to 9:00.

Taylor Stuckert: Around 7:00 to 9:00. We are there all night.

[Laughter]

Rembert: Are there any other questions?

Councilman Jaehnig: I am thrilled to see the turnout. I think a lot of it has to do with the Green Enterprise Zone. I think you have hit it right on the head with the continuous thinking of a new way of looking at things. That is what I am the most excited about. It not only gives an opportunity for new developments to move in, but it gives every business that is already here an opportunity to look at how they are doing things and what can we do differently to be maybe more a part of this. That is what really excites me.

Councilwoman Popp: I want to thank you for coming back to your hometown giving us all of your expertise. We are very, very fortunate that you chose to come back here and help.

Rembert: It is our pleasure.

Councilwoman Peterson: As you might expect, I have just a couple of process questions. I noticed in the notes that we took from the committee meeting that we have added the stipend. We added the change in the board. One question I have is on Section 2, the second paragraph – Terms of the Board. It indicates that there are going to be two-year terms. What are your thoughts there as far as – can the terms be two years but the members can serve forever? I am just kind of asking council and also your input. I think we maybe need to be more specific there.

Mayor Raizk: We have looked at other types of boards. There is no restriction on generally how long, but the staggering is good. We've looked at that from a couple of other things out of the ORC on these types of committees so there is some continuity.

Councilwoman Peterson: If you're okay with that, then I am fine with that.

Mayor Raizk: Absolutely. One of the things I will point to is on (3) [Section 2. (3) Vacancies], because this kind of goes to your question about filling vacancies. This is something that we have seen before – where folks need to appoint, especially outside organizations, need to appoint and they need to get the job done in a hurry.

Councilwoman Peterson: That is why I wanted to start this discussion.

Mayor Raizk: So, if somebody leaves, they need to get that done within 45 days or else we are going to pull in somebody. That is also taken out of other types structures like this in the Ohio Revised Code.

Councilman Jaehnig: One of the things I would like to see in here, and I don't know how we address it through appointee or through agreement or something, is an individual that is specifically looking at the expense ratio, as far as the city and the tax effects that work. You know, whether it comes out of the treasurer's office or the auditor's office, but somebody who is working on the numbers on a daily basis, so we aren't making the mistakes as a council in giving away the farm, yet at the same token, not being so restrictive that we are not taking advantage of the opportunity to grow. I don't know if it is already covered in there or if that is something that we could look into.

Mayor Raizk: I think that may be covered, but we will make sure of that. That could be done by the Tax Review Council or something like that.

Councilman Jaehnig: Thank you.

Councilman McKay: You made mention of the two gentlemen here from Pure Blue. I didn't know if they had anything to say. You might want to give them a little bit of more introduction.

Mark Rembert: Would you like to introduce yourselves?

James Allison: I am James Allison. I am actually the CEO of Pure Blue Energy. Mark and Taylor have done a great job with putting this whole thing together. We are glad to be a part of it. Do you have any questions for us in regards to any corporate aspects?

Councilman McKay: Your business is actually...?

James Allison: We are actually a renewable energy company. Our main focus is wholesale distribution of solar panels, wind turbines, and also economic development. That obviously is why we are here today and helping out.

Councilwoman Peterson: We appreciate everything you've done.

James Allison: Jeremy actually lives in Sabina.

Jeremy Henson: I am actually a local guy. Jeremy Henson. I am the National Sales Director for Pure Blue Energy. I am in control of all of the sales nationwide. I am located outside of Sabina, by the way.

Paul Hunter: Should I be talking to these guys?

James Allison: I did want to mention. It is definitely a unique opportunity for your community to take a stand and really show the rest of the country what can be done and definitely bring some recognition to what you guys are doing here.

Mayor Raizk: Thank you very much. Leilani has an item later on in the Agenda. That is all I have, Mr. President.

President Ertel: Very good. Thank you. Let's move on into committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Seeing no Auditor, there will be no Auditor's report.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Yes, we do have two items. The first item is an ordinance making supplemental appropriations. I think it is self-explanatory – income tax refunds.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

A motion was made by Mongold and seconded by Popp to pass the ordinance as read.
Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4848 passed as read.

Councilwoman Mongold: The second item tonight is a resolution authorizing payment of expenses incurred in a prior fiscal year.

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

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2144 passed as read.

Councilwoman Mongold: That is all. Thank you.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President. I have one item on the Agenda tonight. In going right along with the Green Enterprise Zone, we have the third reading on an ordinance approving the Clinton County Solid Waste Management District plan. We believe that – the Clinton County Solid Waste Management District, Clinton County Commissioners, and the City Council of Wilmington all working together – this is a good plan. We hope to increase our curbside recycling along with our Green Penny Initiative. I think this is going to be a good plan. Are there any questions on this?

Councilman Jaehnig: This should be the first month that they see the Green Penny on the utility bill, correct?

Mayor Raizk: Yes, I believe that is correct.

Councilman Jaehnig: So we should see that reduction that we put through two months ago, a month ago, and the addition of the one penny as a reminder that you are paying for recycling.

Councilman Wells: We are trying to increase our curbside recycling to save the taxpayer-owned landfill. Maybe this will help. If there are no other questions or discussion... Excuse me?

Paul Hunter: The packer grant...does that look like it is going to happen?

Councilman Jaehnig: It looks positive, but it is still any day. We are still waiting to hear.

Paul Hunter: So, that is on track.

Mayor Raizk: Yes.

A motion was made by Wells and seconded by Jaehnig to give the third reading only on the ordinance Approving the Clinton County Solid Waste Management Plan.

Motion passed.

Director of Law read ordinance by title only.

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

Motion passed

President of Council declared Ord. No. 4849 passed as read.

President Ertel: Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: In the spirit of cost reduction, I just want to comment briefly that we still are exploring and getting ever closer to our pool fund financing option, which is going to make financing more efficient and less costly to us if and when that happens. There is a very good possibility that there could be some reduction in rates at that point. We are very hopeful and optimistic that we will hear more very soon.

Mayor Raizk: Actually, not to pin down any dates, but part of this process – the financial markets have been in disarray as well all know. The city has been approved for participating in the pool bond fund. That is good news. It has just taken a lot longer for the letter of credit from the bank so that we can finally see the bank that will be actually issuing the line of credit for the whole pool bond fund. We hope to hear something. That closing may happen before the end of this month. In fact, it should happen before the end of this month. We should be back to you with some analysis of what it would mean in terms of rate reduction and so forth very shortly. I know we have been saying that for a while, but we really are dependent on this pool bond fund happening first before we can actually make that determination.

Councilman McKay: We don't want to cry wolf, but we want to do it right and it must be done right before we proceed. We want to do the financial assessment and analysis correctly so we don't have to redo it. That having been said, our piece of legislation tonight is very interesting. It actually involves the first step in the purchase of some real property that the city is exploring. I think the Mayor may just want to make just a few more comments before we go ahead with the resolution.

Mayor Raizk: Yes. As we explained in committee (and there are some things that I am not quite at liberty to talk about at this point, as you all know), the Kautex-Textron facility is going dark. Both the City and the County Commissioners have been looking at that property. The County Commissioners need some space for parking. You all know that when you attend the fair, you are parking on Kautex-Textron property. We also have some needs in our wastewater department in that we need a good location for our excess runoff facility – our underground swimming pool, as we always like to call it. This is as close to the plant as we can get, and our trunk line runs right through this facility. At the same time, this is an aging industrial facility. We have been looking at the money available for not only acquisition but mitigation of the brownfield problems and environmental problems. What you are looking at tonight is the first step as we explore this further. We have reached an agreement...we do not have a purchase contract...but we have at least some items that we are agreeing upon with Kautex-Textron. They have been very good to work with, and we are taking a look to see if this will work out for both the city and the county. What you are looking at tonight is the application. Brownfields come in two phases. First of all, we need to apply for a grant so that a phase II environmental study can be done. This is the deep-dive environmental study. There is money available through the Clean Ohio Funds to do that. That is what you are approving here tonight. At the end of that, that will make a determination of whether this is indeed a property that can be mitigated. Therefore, we will then go in to apply for the Clean Ohio brownfield money based upon this Phase II, which would help us with not

only mitigation but also acquisition of the property. This is kind of the first step as we explore this.

Councilman Jaehnig: If I understand correctly, this protects us. If it turns out that this is a major hazardous spill area that is beyond mitigation, then we are not....

Mayor Raizk: Right. The property owners are being very generous and allowing us access so this study can be done. At that point in time, based upon the phase II, we will know whether it is a jumping off point or not. The reason why there are three readings and it needs to be an emergency is because these grant cycles are very tight. This whole project could take up to a year as far as these grant cycles go...not only the grant cycles, but also how long we have to do that...so we need to be on the timetable. We will get this one done, and then we will be able to make that determination sometime this fall.

Councilman McKay: Thank you, Mr. Mayor. Other questions?

Geoffrey Phillips: [Inaudible for transcription]

Mayor Raizk: I'm sorry?

Geoffrey Phillips: Do we have any financial commitment from the city in this early part of this process.

Mayor Raizk: Not at this early time, other than just working with our consultants to help us with the grant application.

Geoffrey Phillips: I want to raise the question about the pyramid ordinance that we normally pass. In anticipation of doing a bond that Councilman McKay spoke of, do we need to have the pyramid before you go through this.

Mayor Raizk: Geoffrey, not in this instance, because this is even prior to any kind of acquisition. In other words, if we don't get this grant, we can't do the Phase II. It is based upon that. At the next go round, we may need to do that. At the same time, it depends on what the mitigation is. Right now, we will not be putting any money up front.

Geoffrey Phillips: Thank you.

Councilman Wallace: Do we have a match on this grant?

Mayor Raizk: Not for the Phase II. For the next set there is.

Geoffrey Phillips: Which is the point, then, that the pyramid would need to be in place.

Mayor Raizk: That is right. But that is probably August or a little later.

A motion was made by McKay and seconded by Popp to give the first reading only on A Resolution Authorizing the City of Wilmington to File an Application to the State of Ohio to Participate in the Clean Ohio Assistance Fund and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2145 passed as read.

President Ertel: Is there anything else, Mark?

Councilman McKay: Just, this opportunity will not come around again and this will offer us so many synergy possibilities. I hope things will flow smoothly, so to speak. That is all I have.

President Ertel: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: Yes, Mr. President. I have two items this evening. The first one is a first reading on an ordinance creating a Green Enterprise Zone in the City of Wilmington. Are there questions or comments?

Geoffrey Phillips: Councilwoman, at what point will there be a review of the impact in Section 4 of the financial forecast as to what these incentives [inaudible for transcription].

Mayor Raizk: That is what I was writing down. Exactly. Before we have our next reading, we will do that. I want to talk to you about that, Geoff.

Geoffrey Phillips: All right. I think, too, we probably need to anticipate that the finance committee ought to meet because we are probably at the apex of our income tax collections, and it is all downhill for a period of time. I just caution. When I read this language... First of all, I just got this yesterday. I think we need to understand what we mean by "income tax collected." Are you giving back the employee earnings tax or are you giving back "business income tax," because that language is very ambiguous.

Councilman Jaehnig: My understanding was it was just business income tax, not...

Phillips: But that is not what that says, so we need to get some of the language...

Councilwoman Popp: I think there are some other language issues in this. Between the first reading and second and third readings, we will clean this up.

Geoffrey Phillips. I realize it is just the first reading, but I think we need to understand the financial impact of the treasury and make sure we've got the language that does what you want it to do. Because right now, I don't know what I am calculating against.

Councilwoman Mongold: Also, there is a typo on the first page. It says "Term to" and it has a colon instead of a period. Then on the next page, section 2, Item (c), if you recall in our meeting the other night we discussed a possible annual stipend of \$1200, and this reads \$100 per meeting.

Councilman Jaehnig: Which is a difference.

Councilwoman Mongold: I think that needs to at least have the words added to it, "with a max of \$1200." What if they meet 2-3 times a month? We need to at least put some sort of cap on it, or change "meeting" to "month."

Councilman McKay: Or \$100 per month.

Mayor Raizk: Thank you for that. That was what we were talking about.

A motion was made by Popp and seconded by Wells to give the first reading only with the aforementioned adjustments for this reading and more to follow between the second and third reading on the ordinance Creating a Green Enterprise Zone.

Motion passed

Director of Law read ordinance by title only.

Popp requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Popp: The second piece of legislation is the first reading on a resolution of support for an application to the U.S. Department of Commerce Economic Development Administration. You have the corrected resolution; it was at your place

this evening. This will be the second year of being a part of this. It is not the first year as it said in what was in your packet. This is the second year.

A motion was made by Popp and seconded by Peterson to give the first reading only on A Resolution of Support for an Application to the U.S. Department of Commerce Economic Development Administration for Investment Assistance for an Economic Recovery Office for Clinton, Fayette and Highland Counties and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the second and third reading be on the Agenda for the June 18 meeting.

Councilwoman Popp: That is all, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: I have just one item tonight, Mr. President. We have three readings on a dispatch agreement with the Sabina, Richland, Wayne, and Wilson Joint Fire District. We are running behind on that, so I am going to ask for three readings on this. This is a two-year agreement, which will take us through December 2010. This is a standing agreement that we have had in the past. There really are no changes; it is just a renewal allowing us to continue to provide these kind of services for them. Are there any questions in regards to that?

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on A Resolution Authorizing the Mayor to Enter into a Dispatching Agreement with the SRWW Joint Fire District.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2146 passed as read.

President Ertel: Anything else, Rob?

Councilman Jaehnig: No, that is it. Thank you very much.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace: I did speak with Chris Caulfield a couple of nights ago, just before the hail hit. He said that really we are pretty much on schedule for the summer games. Things seem to be going well, even though we have had a lot of rain, so that is a good thing. [Inaudible for transcription], so things seem to be going well. That is all I have.

President Ertel: Excellent. Thank you. Mr. Service Director? Do you have any words of wisdom.

Service Director- Service Director Larry Reinsmith: In a followup, Mike, there is a girls' fast-pitch tournament scheduled this weekend out there. There are 80 teams. Last year it was, I think, 68 teams...

Councilwoman Popp: 64.

Service Director Reinsmith: 64, and now it is 80.

Councilman Wallace: We had some fall-out [inaudible for transcription] over that tournament last year, didn't we?

Service Director Reinsmith: Just another item. We had bid out the vertical expansion project for the landfill. Our engineer's estimate was, I think, over \$700,000 for that work. We got a really good bid in; it came in at about \$537,000. Space is critical. Time is critical, but we need the money for the project now. I know we included that with your package, Geoffrey, but I hope we don't take too long because the contractors are ready to start and we don't get into the position where we are moving waste and having to remove it and re-locate it. I don't know if we go that route with a note or what, but we need to take a look at that. That's all.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – May 2009 and the Hotel Lodging Tax Report – 1st Quarter 2009 as received. Motion passed.

Reports accepted as received.

President Ertel: 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.

Councilman Jaehnig: Mr. President. I would like to say that there is a great opportunity to experience golf in an all new manner this weekend in downtown Wilmington with the Downtown Golf Around. Eighteen different businesses have putt-putt holes set up in their businesses, and you can putt your way around downtown this weekend. So, come out on Saturday; you don't want to miss this.

President Ertel: What time on Saturday?

Councilman Jaehnig: It starts out at 10:00 in the morning and finishes up in the mural parking lot at 4:30.

[General Banter Regarding Event]

Councilman Jaehnig: It is a great opportunity to really get to know downtown. There are a lot of businesses that a lot of people have not been in. It is a really fun way to experience it in an all new light.

[More General Banter Regarding Event]

Councilwoman Popp: Mr. President. There is one other item. I wanted to expound a little bit more on the girls' softball tournament. There will be 64 teams...we estimate that between 1700 and 2000 people that will be coming to town connected with this. I would like to thank Tammy McKay, who is helping me get packets together. We went to all of the businesses for the last softball tournament and this one, all of the eating establishments in town, making them aware of what is happening. We've received coupons from them as well as the putt-putt, bowling alley, and the theatre. We want these people to spend their money here, and we are providing them with all of the

information and opportunities to do that with. It should be very exciting. It will be a great skill of softball you will see out at the park. These are very top-notch teams. If you like softball and like a fast pace, come watch it. Hopefully, everyone is going to [inaudible for transcription].

Councilman McKay: It is supposed to be good weather too.

Councilwoman Popp: Yes it is.

Councilwoman Mongold: Is there another tournament the weekend of the Banana Split Festival? Somebody told me there is another tournament.

Councilwoman Popp: I am not aware of it.

President Ertel: There is as part of the Banana Split. It is like a mid-nine to eleven-year-old tournament from what I understand, but they will be using the fields as part of that.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, June 18, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

A motion was made by Wells and seconded by McKay to excuse the absent member.
Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Popp and seconded by McKay to approve the minutes of the last regular meeting, June 4, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: At this time, we would like to have an update on the activities of the Bicentennial Commission. If you could, please, come to the podium and state your name and address.

Kym Parks: 1181 SR 350, Wilmington, Ohio. I am here to actually give you an update on the Bicentennial Commission. I am working on the marketing portion of it. As many folks know, we did have a local contest for an overall logo to go with the county celebration. I am here today to actually unveil the new county logo as well as the logo chosen for the city and to kind of go over some of the plans that we are currently working on and some of the thoughts that we have. So here on the actual poster is the logo at the top. This is actually the winning logo. It was actually designed by a local designer – Connie Abirashed.

Rob Jaehnig – Abirashed.

Kym Parks: There we go. The bottom logo was also designed by John Schum of the South Street Gallery here in town. We had 20-plus entries into our logo contest for the county logo. It was not an easy decision whatsoever. We kind of had a full gamut to choose from. We were very happy with what these two logos really bring together for us. They bring together both tradition as well as the red, white and blue – the patriotic theme of what a bicentennial should bring. What we see in the future for these logos is actually working with some of the other communities in Clinton County to also help them develop a logo that would kind of coincide with Wilmington's logo and actually possibly making that a type of collector's item coming out of this committee. So that is one of the goals. Some of the other items that we are working on are – currently I just spoke to another member, Michael Fabel, who is working on the tour of gardens to coincide with the bicentennial. We have, as a group, also slated that the Fourth of July parade in the Blanchester will be the official parade for the bicentennial next year, and the community of Blanchester was very thrilled with that idea too, as well. The goal for us is to also work the bicentennial into all of the local events that are going on in Clinton County and in Wilmington so we can have celebrations in each town to really enjoy this bicentennial.

President Ertel: Excellent. Very good. Great work. Thank you.

[Applause]

Kym Parks: Thank you.

President Ertel: At this time, I would like to open some public hearings; we have a few.

President Ertel opened the public hearing for the Justice Assistance Grant.

Assistant Chief Duane Weyand: A while back I applied for a grant through the Department of Justice. It is called an Edward Byrne Grant. It is also known as a Justice Assistance Grant. It is a formula grant based upon Type 1 crimes, which are your upper level felony crimes. Since we don't really have a whole lot of that, the amount of funding available to us is \$21,352. The money itself can be used for primarily almost anything you want to use it for. The positive side of this is that it is there; we can apply for it as long as we fill out the paperwork correctly and do what they ask. One of the requirements of this grant is to have a public hearing on this. The intent of this money is to relocate our range. Currently right now we are off of 22/3 in the area where they are going to put in the handicapped park at some point down the road. Also, at the same time, though, we have Donnie Maher who has just started the next cell, which is basically right behind our range. They, as we speak, have been moving dirt all week. Well, I wouldn't say all week, because their equipment has been broke down, but they are basically right behind our current range. We are trying to move this to the south side of Lytle Creek so that we are out of the way of the landfill. We won't have to worry about them expanding into the current range, plus it gives us the ability to have a little room for growth there. So we are, as I said, south of Lytle Creek. I have already gotten quotes together for precast products. We decided to buy precast products, which are for box culverts that will get us the ability to actually cross the creek there. Also, I have a quote from a couple of people as far as putting in the gravel lane. The money is going to be used to buy us these precast box culverts plus 2800 feet of gravel, which will take us from the existing road that is already there where Donnie Maher and they use, all the way back to the point where we cross the creek and all of the way back to the range. Another positive side of this is the fact that Donnie Maher himself will be using the lane that we put in. The box culverts themselves will withstand his equipment getting across the creek so he himself can cross the creek. Does anybody have any questions?

Councilman Jaehnig: How is this in relationship to if we were ever able to extend the bike trail? I don't know how that relationship...?

Assistant Chief Weyand: It is well south of that. It is way south of that. In fact, there is a flood plain area that is south of the creek. We are south of that. I don't have the distances with me, but it seems to me it is about 1200 feet south of where the bike trail wants to expand. We are about 1200 feet south of that.

Paul Hunter: Where does the sheriff train?

Assistant Chief Weyand: They use the back of the engineer's office. They actually shoot right along the bike trail as it is right now.

Paul Hunter. You can't jointly use that?

Assistant Chief Weyand: They could. If we would allow them, yes, they could use it.

Paul Hunter: Maybe they could leave there and go over to your new place and give us a little stipend [inaudible for transcription] service.

Assistant Chief Weyand: I am not committing to that yet, so...

Councilman McKay: Is this a no-match grant?

Assistant Chief Weyand: Correct. There is no match on this whatsoever. Does anyone else have any questions?

Councilman Wells: If we move it back further, that will probably cut down on the noise too?

Assistant Chief Weyand: Right. Right now, we stay clear of shooting on Sundays, because that is a church day. Every now and then with the shooting schedule – I'm trying to minimize our overtime – we end up falling into an evening and people will

come and complain. Now this will push it back farther, but at the same time, though, noise travels. I am not going to say that it will eliminate it; but it will certainly reduce it.

There was a general discussion regarding the proximity of churches to the proposed shooting range site.

Assistant Chief Weyand: I don't know about the distance to the other church, but I know it is a good distance back there.

President Ertel: Okay. Any further discussion?

President Ertel closed the public hearing for the Justice Assistance Grant.

President Ertel: Are there any motions needed with that, Laura?

Clerk Laura Curliss: No. You have already done what you needed to do.

President Ertel: Very good. Thank you.

President Ertel opened the public hearing on the FY 2008 CDBG Amendment for the Little Giant Rehab.

Clerk Laura Curliss: I am taking Whitaker's place tonight. I am sad to report that his mother died suddenly yesterday, so I am going to do these public hearings for him. We have three of them. They are all related to CDBG grants – the Small Cities Program Fiscal Year 2008. This would be an amendment to that grant. The public hearing is to move \$40,000 from doing sidewalk improvements, which fortunately for us are going to be covered by the ODOT stimulus money. We are able to shift this money to do the last part of the Little Giant rehab. If you will recall, we bid it out twice, and we could not get the restaurant done within the bid amount that we had. This will allow us to do that. You have a handout. It was in your packets. The handouts are over there on the table. Please, anybody, pick them up. It shows how the cost will break out on that.

President Ertel: Any discussion?

Seeing as there was no discussion, President Ertel closed the public hearing on the FY 2008 CDBG Amendment for the Little Giant Rehab,

President Ertel opened the public hearing on the FY 2009 CDBG Formula Program for the sidewalk rehab at Mulberry and Main.

Clerk Laura Curliss: This is another sidewalk project for the Small Cities money. I guess I emphasize "small" on these formula dollars, because they are usually just about \$50,000, which is not really a lot, especially when you consider we have to take administrative fees out of that as well as our whole Fair Housing Programs money has to come out of it. So it always leaves us with about \$40,000 to spend. The project that we have chosen for this is the sidewalk at the northeast corner of the intersection of Mulberry and West Main. It is collapsing for some unknown reason. That is where those sawhorses are in front of the General Denver. We estimate that project will be \$60,000, so we will need a city contribution on that project. We are hoping our downtown grant will cover that amount. If not, we will have to rethink, and maybe come back for an amendment if we do not have that money, but we are hoping we have it through the downtown grant – the city match.

Councilman Wallace: Will the stimulus money cover that also?

Clerk Laura Curliss: No. It is not going to be there. It won't go up Mulberry.

Councilman Jaehnig: It will do Main.

Councilman Wallace: Aren't sidewalks private property?

Larry Reinsmith: Well, I don't....

Paul Hunter: Where is the hookup?

Clerk Laura Curliss: Where is what hookup?

Paul Hunter: I'm assuming it is the sewer sinking.

Clerk Laura Curliss: Well, that is probably what is going on, but we would probably have to tear up part of the road to find out.

Paul Hunter: It depends on whether it is in the lateral as to whose it is.

President Ertel: Does that take care of the retaining wall?

Clerk Laura Curliss: It might.

President Ertel: On that stairway.

Larry Reinsmith: I think that is the major problem – that stairway is collapsing.

An unknown speaker mentioned the issue of public versus private property.

Councilman Jaehnig: It is a combination. If it is caused by a public issue...

An unknown speaker asked if the sidewalk belonged to the hotel. They also commented that this was the second time in less than 30 years that we have replaced the sidewalk.

Clerk Laura Curliss: We do projects like that when it is a safety issue. We have in the past.

Councilman Jaehnig: If damage is caused by a public system, like maybe the sewer. Unfortunately, we don't know until we get in there.

Clerk Laura Curliss: That is part of the issue.

Councilman Jaehnig: I would assume that is part of our responsibility if that would be the point.

Councilman Wallace: I guess I don't understand why the economic stimulus package wouldn't go for that.

Clerk Laura Curliss: Because it is only on Main. This is mainly going to be on Mulberry. It might get the curb on Main, but not very much more. This is going to be mainly on Mulberry.

Councilman Wallace: Then how does it work for the Little Giant, if you can't go beyond the curb and it doesn't work for...

Clerk Laura Curliss: Because a lot of the sidewalks and curb ramps we want to do are on Main and Locust. That is what that \$40,000 was going to be for originally.

Law Director Kathryn Hapner: But the Little Giant is not on Main or Locust.

Clerk Laura Curliss: I know, but we had to shift the money to some other project. We don't have to keep it on Main or Locust.

Background discussion on physical problems of the sidewalk at Main and Mulberry.

Service Director: At the hotel there is that well. There is the stairway and there is a well right there and that's where they have the air conditioning unit sitting down in there.

Councilman Wallace: So if we do the stimulus package for the part on Main Street and we do the CDBG money on Mulberry, then we won't have to dip into the general fund.

Clerk Laura Curliss: Say that again.

Councilman Wallace: If we do our economic stimulus package for the part that we have to do on Main Street and we then do our CDBG money that we are hoping to get for Mulberry, then we won't....

Clerk Laura Curliss: Out of '08 or '09? '09?

Councilman Jaehnig: I don't think there is very much work that is actually going to be done at all on Main. It is really almost exclusively on Mulberry. The stimulus money is directly confined to Main Street itself. But none of the work that actually needs to be done is on Main Street.

Councilwoman Mongold: He asked if the grant money was going to be used for the Mulberry portion, will that eliminate, then, having to take money out of the general fund?

Clerk Laura Curliss: Probably not. Because to get to \$60,000... If you wanted to not do the Little Giant restroom, you could take \$20,000 from '08 money, but that grant has to be tied up by the end of this year. You can't do this project with \$40,000 – you need \$60,000 – and we won't have the other money until next year. We don't have it all at the same time.

Councilman Wallace: That is what I'm trying to say. If we could get \$20,000 out of the stimulus and get \$40,000 out of the grant.

Clerk Laura Curliss: But we can't take out of the stimulus because it is not to be applied to Mulberry.

Paul Hunter: Rename the streets.

Clerk Laura Curliss: It is stimulus, but it is ODOT telling...

Councilman Wallace: I guess it is because it is at the corner of Mulberry and Main. If it is the corner of Mulberry and Main, Main is involved.

Clerk Laura Curliss: Only a little bit. Most of the problem...

Councilman Wallace \$20,000 worth. That is what I'm trying to get.

Paul Hunter: Did the sewer cause this, or we don't know.

Clerk Laura Curliss: We don't know.

Paul Hunter: If we discover sewer cause it, then could the sewer fund augment? We have money there.

Clerk Laura Curliss: It could.

Councilman Wells: Larry, have we looked at it?

Service Director Reinsmith: They have run cameras down there. It gets to a point where the camera won't go any further.

Councilman Wells: So is it like a collapse?

Larry Reinsmith: They tested waters down there, too. We thought it might be a storm water line running under the hotel. Really, until you open up, you don't know what you got there.

Clerk Laura Curliss: At some point, it is probably going to collapse.

Law Director Hapner: What happens if you open it up and you find it is not something the city caused, but say a bad foundation of the hotel? Are we just out the money?

Councilman Jaehnig: We made the decision already.

Clerk Laura Curliss: We made the decision to try to fix it, and we have done that sort of thing before. It is something really bad. It is a safety issue. It is happening.

Paul Hunter: If you fix it and discover it is on private property, then you could ask the property owner then for the improvement.

Clerk Laura Curliss: For the \$60,000?

Paul Hunter: You would hate to do that, but...

Councilman Jaehnig: They might have waited longer to the point that it definitely had to be taken care of...

Paul Hunter: We could fix it and charge them.

Clerk Laura Curliss: We don't currently have a policy of doing that. If this council wants to pursue a policy of requiring all downtown or any other property owners to fix their sidewalks and put it on their tax rolls, then we can do that. It is up to you.

Councilman Jaehnig: I think that is unrealistic at this time. We can do that, though. It is an option.

President Ertel: Okay, is there any other discussion?

Seeing as there was no other discussion, President Ertel closed the public hearing on the FY 2009 CDBG Formula Program for the sidewalk rehab at Mulberry and Main.

President Ertel opened the public hearing on FY 2009 CDBG Small Cities Program Ohio Historic Preservation Office Coordination Agreement.

Clerk Laura Curliss: And this is the hearing you have all been waiting for. This is a new requirement. Quite honestly, I had a long talk with Whitaker about it, just so you are aware. Every time you use federal dollars you have to use it so that you don't destroy certain types of important historic buildings or parts thereof. Some things are subject to 106 review and most things are not. If the project is on already disturbed land like a sidewalk or a road where it has already been disturbed, they are not going to require any kind of historic review like for archeological artifacts or anything like that. So, this is the first time...It almost seems like they just want you and the public to be aware that the Ohio Historic Preservation Office exists and they do coordinate with us, and that is the purpose of this hearing. We have a coordination agreement with them and it was in your packet. They are over there for anybody who wants to read them. We will also be sending a copy to the local historical society when we get it back. This agreement first goes to Washington, then it goes to Columbus, then it comes back here, we give it to the historical society, and then it comes back to my file.

President Ertel: That sounds very good. It sounds very, very succinct.

Clerk Laura Curliss: If you do have questions about it, in all seriousness, Whitaker Wright will hopefully be available to answer those in a week or so.

President Ertel: Are there any further questions?

Seeing as there were no further questions, President Ertel closed the public hearing on FY 2009 CDBG Small Cities Program Ohio Historic Preservation Office Coordination Agreement.

President Ertel: Thank you. That concludes my portion of the agenda. The Mayor is absent tonight because of some personal issues. Hopefully, he will be joining us soon. I would like to move on to committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you very much. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Our first item tonight is an ordinance making supplemental appropriations.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4850 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4851 passed as read.

Councilwoman Mongold: Item C tonight is a resolution authorizing payment of expenses incurred in a prior fiscal year. This is the “then and now.”

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

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2147 passed as read.

Councilwoman Mongold: Item D tonight is a resolution declaring intent to reimburse under Treasury Regulation Section 1.150-2 (Landfill Facility Phase I Construction), and declaring an emergency. This is the pyramid ordinance.

Auditor Hollingsworth: I might mention, Sandy, for those of you who are newer. We have to pass legislation in order to be able to reimburse ourselves. When we finally go to financing for these projects, if we have spent money prior to going to that financing, without this resolution, we would not be able to reimburse ourselves for money that we have spent out of pocket. That is what these pyramid resolutions do – both D and E. They are so we can reimburse ourselves.

President Ertel: Geoff?

Geoffrey Phillips: Question. Section 3 of both of those makes reference to reimbursing the general fund. Are we not making expenses out of revenue funds “landfill” and “sewer.”

Auditor Hollingsworth: It should be out of those funds, not the general fund.

Geoffrey Phillips: Unless there is a different copy than what we were delivered last night, Section 3 of both of those need to be changed.

Clerk Laura Curliss: Well, you can amend it.

President Ertel: Let's do that.

Geoffrey Phillips: Is it our intent...we are either going to do notes or we are going to use the new government pool, whichever is the available program. So if we do notes, the note would be subject to being paid back from the landfill fund, as we did before, and the sewer fund.

President Ertel: Do I have the motion to amend?

Geoffrey Phillips: You have the same thing in Section 1. Wait a minute. Section 1 has to be amended too.

Councilman Jaehnig: Just those two locations?

Paul Hunter: Do I understand this correctly to mean that we are going to use the General Fund to do the improvement and we are going to use the Solid Waste Fund to repay the General Fund.

Geoffrey Phillips: No. It is not written correctly, Paul. It is all out of the revenue fund and will all be reimbursed to the revenue fund.

A motion was made by Jaehnig and seconded by McKay to replace the wording in Sections 1 and 3 of the resolution from “reimburse the General Fund” to “reimburse the Landfill Fund.”

Motion passed.

Resolution amended.

A motion was made by Mongold and seconded by Wells to give the first reading only on a resolution Declaring Intent to Reimburse Under Treasury Regulation Section 1.150-2 (Landfill Facility Phase 1 Construction), and Declaring an Emergency, As Amended.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

Councilman Jaehnig: One second, please. I'm sorry, Sandy. Laura, is that the right terminology – "Landfill Fund," not "Solid Waste Fund?"

Geoffrey Phillips: Let me check the Auditor-Treasurer report. It's on there. Actually, it is the "Waste Fund" on there.

Councilman Jaehnig: There is a "Landfill Improvement" fund line.

Geoffrey Phillips: Waste fund is the operating fund. [Inaudible for transcription] trash pickup.

Clerk Laura Curliss: Well, it is a matter of interpretation. I think it is fairly clear. Also, it will be from the minutes which fund it is going in. Is there any doubt, anybody, which fund it is going to go into? We said "Landfill Fund?" Is the Auditor okay with it?

Councilman Jaehnig: Fair enough. I just wanted to make sure we were all right.

A motion was made by Mongold and seconded by McKay to pass the resolution as read. Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Res. No. 2148, as amended, passed as read.

Councilwoman Mongold: Item E – do we need to amend that?

President Ertel: Do we have similar issues with item E?

A motion was made by Jaehnig and seconded by McKay to replace the wording in Sections 1 and 3 of the resolution from "reimburse the General Fund" to "reimburse the Sewer Fund."

Motion passed.

Resolution amended.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Declaring Intent to Reimburse Under Treasury Regulation Section 1.150-2 (Sanitary Sewerage System Improvements), and Declaring an Emergency, as amended. Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2149, as amended, passed as read.

Councilwoman Mongold: Item F tonight is an ordinance authorizing the issuance of bond anticipation notes of the City of Wilmington in a principal amount not to exceed \$715,000 for the purpose of discharging at maturity (together with lawfully available city funds) bond anticipation notes issued pursuant to ordinance No. 4772, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Authorizing the Issuance of Bond Anticipation Notes of the City of Wilmington in a Principal Amount not to Exceed \$715,000 for the Purpose of Discharging at Maturity (Together with Lawfully Available City Funds) Bond Anticipation Notes Issued Pursuant to Ordinance No. 4772, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the ordinance by title only.

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

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

President of Council declared Ord. No. 4852 passed as read.

Councilwoman Mongold: The last item tonight is a resolution requesting the fiscal officer to certify as to the estimated maximum maturity of bonds and notes, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Requesting Fiscal Officer to Certify as to Estimated Maximum Maturity of Bonds and Notes, and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2150 passed as read.

President Ertel: Is there anything else?

Councilwoman Mongold: That is all. Thank you.

President Ertel: That is a lot of work. Okay. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In absence of Chairperson Peterson, Councilman Wells: No report.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the Agenda tonight. However, our next Solid Waste Committee Meeting will be Wednesday, June 24, at 10 a.m. at the Landfill so that we can get a look at our Phase I Construction and ask questions of Donnie. If anybody can make it, it is at 10 a.m.

President Ertel: Are you going to take like a city cab back there – one of the vans back there?

Councilman Wells: I wish we could...

Councilman Jaehnig: I want to ride in the big equipment.

Clerk Laura Curliss: Mr. Chairman, please. Donnie said that it is a hardhat area, and we don't have many hardhats at all. As a matter of fact, I think there is only enough for you three council people. So, the public is welcome if they can bring their own hardhat. That a limitation we're under.

Inaudible question/comment from the audience.

Clerk Laura Curliss: You know, ask Donnie. Whatever their regulations are...because it is a construction area right now.

President Ertel: I'm sure if some issues arrive, we can probably get some other hardhats from some other place. Wouldn't you think, Mr. Service Director.

Service Director Reinsmith: [Inaudible for Transcription]

Paul Hunter: Don, did you say that you think the packer issue is kind of dead this year?

Councilman Wells: As I understand it, we did not receive the grant from the Ohio Department of Natural Resources for the packer.

President Ertel: Okay. Is there anything else? Don, thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: Yes. There are a few items. First of all, Mr. President, I would like to postpone the second reading of item A on the agenda – Creating a Green Enterprise Zone in the City of Wilmington. That is going back to the finance committee for further study.

President Ertel: Okay. Can we look for a second reading at the next meeting? Is that the intent?

Councilwoman Popp: Yes. We'll try it again. Thank you. We have the second and third reading on a resolution of support for an application to the US Department of Commerce Economic Development Administration.

A motion was made by Popp and seconded by McKay to suspend the rules and give the second and third reading on the resolution of Support for an Application to the U.S. Department of Commerce Economic Development Administration for Investment Assistance for an Economic Recovery Office for Clinton, Fayette and Highland Counties and Declaring an Emergency, by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2151 passed as read.

Councilwoman Popp: Item C three readings on a resolution authorizing the submittal of an amendment for the FY 2008 Small Cities CDBG Formula Program, and declaring an emergency.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Authorizing the Submittal of an Amendment for the FY 2008 Small Cities Community Development Block Grant (CDBG) Formula Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2152 passed as read.

Councilwoman Popp: The last item is three readings on a resolution authorizing submittal of an application for the FY 2009 Small Cities CDBG Formula Program, and declaring an emergency.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Authorizing the Submittal of an Application for the FY 2009 Small Cities Community Development Block Grant (CDBG) Formula Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2153 passed as read.

Councilwoman Popp: That is all, Mr. President. Thank you.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace – No report.

President Ertel: Thank you. One comment I would say, though, for Parks and Recreation – excellent cooperation between the rotary groups, the Banana Split Festival Committee and the park. It was a wonderful event. Thank you.

President Ertel: Service Director?

Service Director- Service Director Larry Reinsmith: As a followup on that. They had 65 or 70 teams, and a couple of days after that a guy came in the office up there wanting to find out information. They would like to have two more tournaments like that next year. They were really pleased with the operation and facilities. So he wanted to get information to contact Scott and things like that.

President Ertel: That is superb.

Service Director Reinsmith: You know, he said he had a 12-year-old team (and this is the fast pitch girls) and he says they attend a tournament like that every weekend. I think he was going to Columbus the next weekend and Chicago the weekend after that, so there is a lot of those teams that are [inaudible for transcription] for tournaments.

President Ertel: It would be interesting, too, just to get a feel for how much money that brings into the community, just as a rough dollar amount, so that every time they have one we can figure that x-amount is coming in on that.

Councilman Jaehnig: Yes. I was talking to the Hampton Inn and the Holiday Inn Express and Roberts. They were all completely booked with softball teams. They didn't have a single room left and so they loved it. Quite a few of the restaurants had set up specials and so forth for that. One of the team directors that I ran into while I was volunteering out there says it is one of the nicest places that they have been to because it

has trees. They say every place they go, they are out in the middle of a field, and they are baked to death and fried and burnt by the time they leave. You know, they could take the teams and get under a tree and relax for a while in between games. They said, you know, there are just not a lot of parks where the softball and baseball fields are located around trees.

President Ertel: I would assume Debbie Stamper would be the right person to ask that question to.

Councilman Wallace: She has a number for every person who stays overnight and for every person that is a day visitor. I used to know those numbers when I was doing some things with our stuff, too.

President Ertel: I will contact her and see if she can give a rough approximation on that number.

Councilman Wallace: She can tell you how many people were here. She can say how much they spent.

Councilman Jaehnig: Our estimate is 1600 came into town.

Councilwoman Popp: They said that was low. They said it was probably closer to 2000 to 2200 that were just directly related to teams, coaches and families.... aside from extra spectators.

President Ertel: Okay. Thank you. Anything else, Larry?

Service Director Reinsmith: Just a little side note there. We are just about finished with the engineering on the Nelson Road project. I think we are about 90 to 95% done. We want to go to bid on about July 1. We did get notice that there is a little extra money from Public Works, Issue 2; that is kind of a special deal. Clinton County, I think, gets about \$400,000, so we are putting the application together right now to submit. Maybe we possibly could get some of that funding there to help out with the project. We will go ahead and bid it out. The application has to be in by July 2. The County Board meets July 10, so we could work together so we could be coming back pretty quick with some legislation to go on to Public Works with that to see if we can get some of that funding. If we could get a couple hundred thousand or a quarter of a million – that always helps. That is a project that really scores well with all of the different scoring.

Paul Hunter: How is the grouting and re-lining. Is that coming along – that phase – the north end stuff.

Larry Reinsmith: They are working on that. Harry said you stopped down there and was asking about the lining too.

Paul Hunter: Well, I called. He was going to tell me when. I wanted to go watch it.

Larry Reinsmith: They haven't started that. They got delayed on that [inaudible for transcription]. I know he said you called and you wanted to go out and watch that. You know, they have done a lot of repairs up there, and it is really helping a lot on that north end. Of course, we haven't had the water like we have some years, but we don't have the backups and the basement flooding and the surcharging that we have had in the past. So, that is helping out there.

General discussion regarding project.

President Ertel: Okay, no Safety Director – I assume no report.

Reports:

A motion was made by Mongold and seconded by Jaehnig to approve the Auditor-Treasurer Report – May 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

Paul Hunter: 200 Randolph. Some of you may or may not have known that we were in danger of losing the international aspect of the airpark. It required some action by Homeland Security to extend the port limits from Dayton to down here. It was hanging. If DHL left and that had not been signed, this airpark would not have been an international airpark. Any plane coming in would have had to land some place else. Any plane departing would have stopped some place else before they could leave the country. I got word today that they signed it. So, the Port Authority is extended now from Dayton down to here, the airport.

President Ertel: The Dayton Port Authority?

Paul Hunter: No. The Dayton Homeland Security Center.

END OF TAPE

Councilman Jaehnig: Tomorrow night is the first night of Downtown Alive.

President Ertel: Yes. Good Point. Very good point.

Councilman McKay: And Saturday morning is produce in the mural parking lot – Farmer’s Market.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, July 2, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by Wells and seconded by McKay to excuse the absent member.
Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by McKay and seconded by Wells to approve the minutes of the last regular meeting, June 18, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: The Mayor is not joining us tonight. The surgery was hopefully successful this afternoon. It hopefully turned out good. Let's turn to committee reports. Asset, Acquisition and Use?

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

President Ertel: Very good. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have tonight is an ordinance making supplemental appropriations. We have a description at your place explaining that.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4853 passed as read.

Councilwoman Mongold: The second item tonight, we have an opportunity to obtain up to \$400,000 to be used for road, bridge and culvert projects.

A motion was made by Mongold and seconded by McKay to give the first reading only on A Resolution Authorizing the Mayor to Apply to the Ohio Public Works Commission for LTIP Fund for \$400,000 for Road, Bridge, and Culvert Projects and Declaring an Emergency.

Councilman Wallace: In this grant, is this is a grant that we have a partial payment into or is this is a free grant?

Clerk Laura Curliss: This is like excess money that the county has available to it for small cities paving projects, as well as township and county.

Councilman Wallace: That the county has available?

Clerk Laura Curliss: Yes. It is part of the ODOT appropriation for District 8.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2154 passed as read.

Councilwoman Mongold: That is all we have. Thank you, Mr. President.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: No report this evening, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: We have one item this evening, Mr. President. We have the second reading on an ordinance creating a green enterprise zone in the City of Wilmington, as amended.

Councilman Wallace: I would like to ask, before we take this vote, we were supposed to hear a report on the economic pressures that this would put to our budget. I was kind of looking for that before getting a majority on this. Someone was going to tell us how much they thought this was going to cost us.

Clerk Laura Curliss: The way it is written, it is what you appropriate in your annual budget process. So you could appropriate zero.

Councilman Wallace: So it is back on us then?

Clerk Laura Curliss: You could put zero in that line. You could put 5, 10, 15, 25... whatever. And then, you know, it is possible that there will be some federal program that would allow us to get money for these kind of improvements. We are seeing in the ARA funds more and more green energy, advanced energy, green building projects, some of which the city will eligible to apply for. It is possible in the future that you might see more programs like that...that we could get money to put into that line as grant money, but right now, it would be from the general fund.

Councilwoman Mongold: And that will be recommended....go ahead Geoffrey.

Treasurer Geoffrey Phillips: Two items, Mr. President, in going over it. You probably need to move to amend this before you read it because this is vastly different than the first reading. Also, if I may answer your question Councilman Wallace, the first reading dealt with taxation based. That is completely taken out of this document, so the process now will be much different than the first reading. So, the financial impact is totally up to the budgetary process, so you will be fully part of that each year in terms of what the appropriation is.

Councilman Wallace: It is interesting, because as I read it today, it is still going to be a budget that is going to be given to council in September. So, will be that for all year? That would not be for any type of fiscal year starting in September. We're already...

Clerk Laura Curliss: Right. It would be for next year.

Geoffrey Phillips: For this program right now, my understanding would be you are looking at the first [inaudible for transcription] for it to be 2010. It would for 2010. As for any program in the City, during a calendar year, it could be eligible for additional appropriation, as council wishes.

Councilman McKay: As I understand it, that would be driven by folks wishing to participate. There would be a group of people that apply for the project monies. Then our budget would be designed around how many of those projects we felt we wanted to fund.

Councilman Wallace: I guess I kind of forget. What is the deadline for those applications? Is it like September 1, too? Is that a deadline so that that budget would reflect the applications?

Councilwoman Mongold: In September, we would determine the amount to be appropriated for the following year, so it would be in the budget. And then throughout the following year, any time somebody would want to apply, it would be discussed in committee, and if we ran out of money that we appropriated, we either have the choice to supplement additional funds or deny the request.

Councilman McKay: There is a gentleman here in the audience and I think they may have a comment.

Mark Rembert: The way the ordinance is written, the Green Enterprise Zone Development Council will form and establish its own set of rules for the process in which applications will be received. I think that will be something that the Council, in coordination with City Council, to establish an application process which is both conducive to the budgeting process of City Council but also allows for effective grant programs, so we can make sure that we can get money out effectively.

Geoffrey Phillips: Councilman Wallace, in the first of the two Finance Committee meetings, the Mayor did mention his interest in having to take this program and leverage dollars with the Department of Development. Whether there would be any available or not, that was his interest in multiplying what we contribute to create a greater pool of funds.

Councilman Wallace: Well, I know that, but the way it is written, we are automatically spending money, because we are paying for office supplies and things for an office some place, so we have automatic expenses right off the bat before we even talk about grant monies.

Clerk Laura Curliss: The only expense you have is the clerk and any minor supplies, like paper and red wells and that sort of thing. No office, because they will just do what a lot of boards do and they will just use our office or council chambers or something.

Councilman Wallace: I guess I just want to make sure I know where we are heading with this whole thing before we get into it. Because I don't want us to turn around and have this smack us in the face here and suddenly we're putting money in there that we cannot afford.

Geoffrey Phillips: To me, the most important adjustment that has occurred is that we have taken this program so that it is totally separate from any business income or withholding taxes paid by businesses, which would have financially had a bottomless hole. This will have a limit set by you – by Council.

Councilwoman Mongold: Are there any other questions?

President Ertel: I think Geoff has a good point. We can amend even though next week we will amend this again, because there are other improvements that are going to be made too. As a point of order, there are amendments. Can I have a motion to amend?

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

Motion passed.

Ordinance amended.

A motion was made by Popp and seconded by Peterson to give the second reading only on the ordinance Creating a Green Enterprise Zone, as Amended.

Motion passed

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

President Ertel: Thank you. Safety Committee?

Safety Committee- Councilman Wells: Since Rob is not here...we don't have anything on the agenda, Mr. President, but I would like to ask the question about this letter from Bill and Mary McCoy. Since Nick is here...Have you read this, Nick?

Safety Director Nick Babb: Yes.

Councilman Wells: Maybe we should have some discussion about this before... We've applied for some grant money to do the construction work and get the new range and everything... maybe we should have some discussion. Is there any other place we could do this range that would be feasible.

Nick Babb: Well, the Mayor and I have talked and he has asked the Chief of Police to come up with some different options in addition to shooting out here at the landfill, so we are going to be doing that.

Councilman Wells: Okay.

Safety Director Babb: As far as in the City, we are pretty well tied to that location. There is not any place in the City. The Sheriff shoots out at the old county landfill, which we get calls on too, so it is six of one and half a dozen of the other as far as proximity to city residences.

Councilman Wells: Have we ever used the Farmers and Sportsmen's Club?

Safety Director Babb: Yes. We just did...when Mike?

Chief Hatten: Last week.

Safety Director Babb: That is an option we are going to look at.

Councilman Wells: What I want to ask is...would it possible to use this money in cooperation with them at their range to maybe some make some improvements?

Safety Director Babb: Whose range...the Sportsmen's Club?

Councilman Wells: The Sportsmen's Club.

Safety Director Babb: We submitted the application to do specifically what we wanted to do out here. I don't know. Probably not. If we got the grant for doing what we proposed, we couldn't use it for something else.

Councilwoman Peterson: Maybe we should let Nick do some research and then...

Safety Director Babb: We are going to go back and look at this because Bill has a good point. I've heard them out at my house on Kathryn Drive. I have heard them shooting. I've heard the county shooting from where I live. I don't think either one of those options in terms of noise... In terms of safety, we would take all precautions. We have never had a safety incident as far as bullets going somewhere other than where they were supposed to. We're kind of pulling back. We're going to look at all options, and I am sure that Mayor will involve council in these things.

Councilman Wells: Okay. Thanks a lot. I just wanted to bring that up since we just got it. I knew we had some funds on the way. Thank you.

Safety Director Babb: We haven't got those yet. We have not been approved yet.

Councilman Wells: Thank you, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace – No report, Mr. President.

President Ertel: Thank you. Service Director?

Service Director- In the absence of Service Director Larry Reinsmith there was no report.

President Ertel: Safety Director?

Safety Director – Nick Babb: Just to mention, we have had some skateboarding downtown here recently, and I just want to remind those who choose to skateboard, that skateboarding in the downtown area is not allowed. If our kind representative at the News Journal would put the word out, we would appreciate it.

Councilwoman Peterson: What is the procedure? Are they actually ticketed?

Safety Director Babb: We would like to avoid that. We would like to just ask them to stop. That will probably be the first thing we do. We don't want to get to a point that we have to take away their skateboard.

Councilwoman Peterson: There is a lot of that occurring in the outlying...

Safety Director Babb: It is occurring a lot of places. I have seen people skateboarding everywhere around the city. It is a great sport. I am not demeaning that; it's just we cannot do it downtown.

President Ertel: Very good. Thank you.

Reports:

A motion was made by Peterson and seconded by Wells to approve the Income Tax Report – June 2009, as received.

Motion passed.
Report accepted as received.

President Ertel: 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.

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

A motion was made by Peterson and seconded by Mongold to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, July 16, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by Wells and seconded by Jaehnig to excuse the absent members. Motion passed.
Absent members excused.

Council gave the Pledge of Allegiance to the flag.

President Ertel: Thank you so much. I certainly would like to welcome all of you to the meeting tonight. We have quite a cast of characters sitting out there. Typically, we are used to probably three or four, but there is going to be some historic legislation tonight, so I am very pleased that everyone has come to celebrate with us on that.

A motion was made by McKay and seconded by Mongold to approve the minutes of the last regular meeting, July 2, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: For information for all of you in the audience right now, our Law Director hopefully is in route. If not, you will all have to listen to me present the legislation, but I think we can work through it. That completes my portion of it. Mr. Mayor?

Mayor – Mayor Raizk: Thank you Mr. President. It is good to be back with you all again. I am sorry I was indisposed at our last couple of meetings. Hopefully, I am on the mend, and I appreciate everyone's well-wishing for my recovery. Not as much as my wife...who would like to make sure that I recover. I would just like to tell everybody "Thank you." I notice tonight we do have some scouts in the audience. What are we doing? If you guys would like to stand and introduce yourselves and tell us what troop you are with.

Conrad Merling: I'm Conrad Merling, I am with Troop 777. We are working on our Citizenship and Community Merit Badges.

Nathaniel Merling: I am Nathaniel Merling. I am in Troop 777 also. I am also working on my Citizenship and Community Badge.

Leland Merling: I am Leland Merling. I am doing the same thing.

Mayor Raizk: But, there is one more Merling here.

Doctor Merling: Yes. I'm the scoutmaster here. Three more Eagles.

Mayor Raizk: We would gladly like to see more Merlings get Eagles. That is certainly going to set a record in the County someday. Thank you, Doctor. Anyway, welcome. Since we do have some historic legislation on tonight, I don't think I have anything else. To recall, Sandy brought this out, and I did talk to John Nolan, and I know Mark and Taylor talked to John Nolan yesterday. There is a nice article in the Dayton Daily News today. If you have a chance to see it, it was a good article. Mr. President, I will turn it back to you.

President Ertel: Thank you, Mr. Mayor. I appreciate that. Also, for the scouts' benefit and anyone else in the audience, we go through this based on the Ohio Revised Code. If there are any questions on how we handle the meeting, just raise your hand and I will explain why we are doing what we are doing and so on. It goes pretty fast, too, actually. At this time, I would like to move into the Asset, Acquisition and Use Committee reports.

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have several items this evening. I believe they all require three readings. Since we do not have six council members, I believe we can only give them one.

President Ertel: That is correct.

Councilwoman Mongold: David, do you know if we will have to meet on an emergency basis?

Auditor David Hollingsworth: We probably will have to.

Councilwoman Mongold: I also have a question, and I am not sure if Andrea or who can answer. Let's get to the first item. It is an ordinance making miscellaneous transfers. It is from Parks Maintenance to Incidentals. On the report I was given, it said \$250.00 and on the ordinance in front of us, it is \$520.00. I just want to make sure.

Andrea Tacoronte: \$520.00 is the correct amount.

Councilwoman Mongold: I am wondering if the numbers were transposed.

Andrea Tacoronte: That is correct.

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

Motion passed

In the absence of the Director of Law, President of Council Fred Ertel read ordinance by title only.

Councilwoman Mongold: We will have to schedule a special meeting.

Councilwoman Mongold asked that the second and third readings be on the Agenda for the Special Council meeting.

Councilwoman Mongold: The next item tonight is an ordinance making supplemental appropriations. The first item, A, is for income tax refunds, which is self-explanatory. Items B and C are because we are currently self-insured in our insurance program. There could possibly be more money by the end of the year. Currently we are funding \$200,000.

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

Motion passed

President of Council read ordinance by title only.

Councilwoman Mongold asked that the second and third readings be on the Agenda for the Special Council meeting.

Councilwoman Mongold: The third item tonight is an ordinance repealing Ordinance No. 4852. This is on our notes for the Lowes/Davids Drive. There was an error in the name of the bank in there, so we are repealing that ordinance and doing a new ordinance.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Repealing Ordinance No. 4852, and Declaring an Emergency.

Motion passed

President of Council read ordinance by title only.

Councilwoman Mongold requested that the second and third readings be on the Agenda for the Special Council meeting.

Councilwoman Mongold: The next item is an ordinance authorizing the issuance of the bond anticipation notes of the City of Wilmington in the principal amount of \$715,000.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Authorizing the Issuance of Bond Anticipation Notes of the City of Wilmington in the Principal Amount of \$715,000 for the Purpose of Discharging at Maturity (Together with Lawfully Available City Funds) Bond Anticipation Notes Issued Pursuant to Ordinance No. 4772, and Declaring an Emergency.

Motion passed

President of Council read ordinance by title only.

Councilwoman Mongold requested that the second and third readings be on the Agenda for the Special Council meeting.

Councilwoman Mongold: I believe Monday is July 20. There is a Finance Meeting scheduled at 12:00 noon.

President Ertel: Thank you so much, Sandy. Water Committee, please.

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Jaehnig: Since he is not here...No report.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: No report, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the Agenda tonight, but I would like to thank Donnie Maher and the workers at the city landfill for the tour that the Solid Waste Committee had to view the vertical expansion construction. Leilani Popp, Rob Jaehnig and myself. I would like to thank them. I think we were very impressed with the work they are doing out there. We really enjoyed it. We would like to thank Donnie and the landfill workers.

Councilman Jaehnig: I tell you, there is nothing better than the top of a landfill being opened back up again and being real close to it.

Councilman Wells: That is all I have, Mr. President.

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you very much. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: We have one item, Mr. President. Before we get to that item, though, we need to amend the legislation that is before us. If you notice where it refers to where meetings will be held for the GEZDC – that they can determine at the beginning of each calendar year where there meetings will take place instead of restricting them to the City Council chambers. They can still use City Council chambers, but they have an option.

A motion was made by Popp and seconded by Wells to amend the legislation.

Motion passed.

Legislation amended.

Councilwoman Popp: Mr. President, I am honored and happy to present this third reading for an ordinance creating a Green Enterprise Zone in the city of Wilmington as amended.

A motion was made by Popp and seconded by Jaehnig to give the third reading only on the Ordinance Creating a Green Enterprise Zone, As Amended.

Motion Passed.

President of Council read the Ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4854 passed as read.

[Applause]

President Ertel: Thank you so much. I know there has been tremendous hard work for a lot of people sitting in the audience on this. It was spearheaded by two young gentlemen sitting up front plus tons of work from Pure Blue and others. Laura, I know, was deeply involved in it, and of course Chris Schock. Certainly, it is just tremendous for our city. Hopefully, this is a template for other communities throughout the state and nation. This is very historic for us to have this here in the City of Wilmington. Thank you so much for all of your hard work. Okay...moving forward. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Okay. Downtown Revitalization?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President. I want to remind everyone of the Third Friday Concert – Blues and Barbecue – in the mural parking lot tomorrow evening. It should be a lovely, great evening.

President Ertel: Very good. Everyone is invited, I'm sure. Okay. Parks & Recreation?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilman Wells: No report, Mr. President.

President Ertel: Thank you. Service Director?

Service Director- Service Director Larry Reinsmith: One quick note here. Chris had sent out a memo a couple of weeks ago about some additional monies being available for public works. We went ahead and put a package together for the Nelson Road project and submitted that for some funding. We met with the county last week. There was a total of about \$400,000 that we were going to get for the county. There were several projects...a lot of needy townships and jurisdictions around the county that needed money. Our project scored well. They approved us to get a quarter of a million dollars toward that project. The score was real high, so I am sure it will be funded through Issue 1. Every little penny counts, and that will help a lot on that project. That roadway is just falling apart. Once we get the storm system in and all of the catch basins and gutters and curbs, it will be a lot safer roadway and a lot nicer road.

President Ertel: Paul, do you have a question?

Paul Hunter: Larry, will that save the sewer fund some money then, with an infusion of cash?

Larry Reinsmith: Yes. That is a direct impact of \$250,000.

Paul Hunter: Which we will not have to take out the sewer fund?

Larry Reinsmith: Correct.

President Ertel: Very good. Thanks, Larry. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer – June 2009, as received.

Motion passed.

Report accepted as received.

A motion was made by Jaehnig and seconded by Popp to approve the First Six Months' Interest Earned Statement, as received.

Motion passed.

Report accepted as received.

President Ertel: 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.

Mayor Raizk: I just wanted to say one thing. I appreciate all of the other things, but I would be remiss if I did not mention another event going on this weekend. In fact, opening night is tonight of the production of Sunday in the Park with George. I happened to watch some of dress rehearsal last night. It is outstanding. Do not miss this. This is a visual masterpiece. It really is. It is on Thursday, Friday and Saturday of this weekend; and Thursday, Friday and Saturday of next weekend. So, there is plenty of time to take in the Blues and Barbecue and still find a night to go to the show. I don't get to toot my own horn this time. Sadly, I am not a part of it, but the first lady is, and she did outstanding. I get to toot her horn for a change.

President Ertel: Thank you. Mr. Mayor. Come right ahead please.

Lena Mae Gara: 21 Faculty Place in Wilmington. I want to congratulate council on this recent action and its obvious concern for environmental issues and finding a way to tie them with the need to find jobs. I think that was very creative and imaginative. I would just like to add two things. When we think about environmental issues in this county and this city, keep in mind that Lytle Creek has been tested with all of the streams in the county by persons who are qualified to do that and are members of Streamkeepers. Every stream in the county, except for Lytle Creek, was rated as good in water quality. Lytle Creek is poor, and at this point they are not quite sure what may be causing that. This is something to think about. The other thing I want to say is I hope that this will lead council to move toward a fully comprehensive curbside recycling program in Wilmington. What we have now is partial. It is a lot better than what we have had for many years, which was nothing. But, there are many things that would improve the system, and I hope we are still moving in that direction. Thank you.

President Ertel: Thank you.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Monday, July 20, 2009, with President Fred Ertel presiding.

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

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

President Ertel: We will not have the Pledge of Allegiance today since it is a special council meeting. We will move right to Finance Committee. Sandy?

Finance Committee – Chairperson Sandy Mongold: Okay. The first item I have is an ordinance making miscellaneous transfers.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. In the absence of the Director of Law, President Ertel read the ordinance by title only. A motion was made by Mongold and seconded by McKay to pass the ordinance as read. Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4855 passed as read.

Councilwoman Mongold: By the way, I'm not describing these different ordinances because we did that the other night. If you have any questions, please say something. The second item today is an ordinance making supplemental appropriations.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. In the absence of the Director of Law, President Ertel read the ordinance by title only. A motion was made by Mongold and seconded by McKay to pass the ordinance as read. Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4856 passed as read.

Councilwoman Mongold: The next item is an ordinance repealing ordinance No. 4852 and declaring an emergency.

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Repealing Ordinance No. 4852, and Declaring an Emergency by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. In the absence of the Director of Law, President Ertel read the ordinance by title only. A motion was made by Mongold and seconded by McKay to pass the ordinance as read. Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4857 passed as read.

Councilwoman Mongold: The last item is an ordinance authorizing the issuance of bond anticipation notes.

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Authorizing the Issuance of Bond Anticipation Notes of the City of Wilmington in the Principal Amount of \$715,000 for the Purpose of Discharging at maturity (Together with Lawfully Available City Funds)

Bond Anticipation Notes Issued Pursuant to Ordinance No. 4772, and Declaring an Emergency by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. In the absence of the Director of Law, President Ertel read the ordinance by title only.

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

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

President of Council declared Ord. No. 4858 passed as read.

Councilwoman Mongold: That is all we have. We will be holding a finance meeting following this meeting.

President Ertel: Very good. Are there any other issues to bring up?

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on August 6, 2009, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by McKay to approve the minutes of the last regular meeting, July 16, as received.

Motion passed.

Minutes approved as received.

A motion was made by Jaehnig and seconded by Wallace to approve the minutes of the last special council meeting, July 20, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: I have a Notice to Legislative Authority here from the Ohio Division of Liquor Control for a new D-51 liquor permit. It is from The Loft at Samuel Walkers, LLC dba The Loft at Samuel Walkers; 64 W. Main St.; Wilmington, Ohio. This will be on file at the office of the Clerk of Council. Also, we have a Notice to Legislative Authority from Liquor Control for a new D-51 liquor permit from Bel-Air Group, LLC dba the Buckeye Livery Co. Café & Cassanos Pizza; 37 W. Locust St.; Wilmington, OH 45177. That will also be on file with the Clerk of Council. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: I have no report.

President Ertel: Very good. Let's move into committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: We have one item tonight, and that is a resolution authorizing the Mayor to enter into a purchase and sale agreement of real property owned by Textron, Inc. (67 acres more or less).

A motion was made by Mongold and seconded by Popp to give the first reading only on A resolution Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Real Property Owned by Textron, Inc. (67 Acres More or Less).

Motion passed

In the absence of the Director of Law, Jason Besser read resolution by title only.

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

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

Paul Hunter: I want to know what CORF is. What does that stand for? C-O-R-F.

Mayor Raizk: Clean Ohio Revitalization Funds. There are two sets of grants, Paul. CORF, what we are applying for, funds the Phase II. As you know, this agreement is predicated on what is found. We have complete back-away rights in this agreement. The next is COAF. That is the mitigation part of it. You have to do the one, and then we will apply for the other. That money from the brownfield will actually mitigate the property.

Paul Hunter: In gas stations, I know, the cost of mitigating stays with the original owner.

Mayor Raizk: At the end of the day, if this all goes as planned and everything works, they get from the state of Ohio an agreement not to sue, because the mitigation has occurred of the brownfield. That is the impetus in working with the City. If it all works out that way – that is what happens. They are actually taking this off the market.

Incidentally, the latest version has the closing date of August 30, 2010, not June. That goes along with the grant cycles.

Paul Hunter: Thank you very much.

Cindy Peterson. I just have a question. I assume we are doing three readings because of the time.

Mayor Raizk: Yes.

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2155 passed as read.

President Ertel: Anything else, Sandy?

Councilwoman Mongold: No. Thank you, Mr. President.

President Ertel: Okay. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have tonight is a resolution requesting the fiscal officer to certify as to the estimated maximum maturity of bonds and notes, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Requesting Fiscal Officer to Certify as to Estimated Maximum Maturity of Bonds and Notes, and Declaring an Emergency.

Motion passed

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2156 passed as read.

Councilwoman Mongold: The second item is the ordinance authorizing issuance of bond anticipation notes of the City of Wilmington in the principal amount of \$915,000 for the purpose of acquiring and constructing improvements constituting vertical expansion of the City's landfill facility, and other lawful costs incident thereto and to the issuance of said anticipation notes, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Authorizing the Issuance of Bond Anticipation Notes of the City of Wilmington in the Principal Amount of \$915,000 for the Purpose of Acquiring and Constructing Improvements Constituting Vertical Expansion of the City's Landfill Facility, and Other Lawful Costs Incident Thereto and to the Issuance of Said Bond Anticipation Notes, and Declaring an Emergency.

Motion passed

Jason Besser read ordinance by title only.

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

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

Jason Besser read the ordinance by title only.

A motion was made by Mongold and seconded by Jaehnig to pass the ordinance as read.
Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4859 passed as read.

Councilwoman Mongold: Thank you. That is all we have.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have two items. You will recall, we have two projects that are being funded through grants through the Ohio Department of Transportation. They require legislation to move forward. To say there is little or no flexibility in the legislation would be incorrect. There is no flexibility. They pretty much give us the legislation and ask us to pass it. We have two pieces because we have two projects. We have the U.S. 22 project and the 68 project. We need to pass this legislation in order to move forward with that project. Any questions?

Councilman Jaehnig: Cindy, this is saying a first reading, but then it says it is declaring an emergency at the bottom. Are there supposed to be multiple readings?

Councilwoman Peterson: I only have it as one reading. The discussion I had earlier in the week was for one reading. Is there a time constraint?

Mayor Raizk: No. It is for one reading, but the ordinance is an emergency. The difference is we do not have to suspend the rules, but when you are done with the third reading, it does become active.

Councilman Jaehnig: Okay. Thank you.

Mayor Raizk: There is a difference between those two.

A motion was made by Peterson and seconded by Wallace to give the first reading only on a resolution Adopting Preliminary Legislation for the Resurfacing, Sidewalk and Curb/Gutter on U.S. 22 (Main Street) from just East of Dana to the Intersection of Wall Street and on U.S. 22D (Locust Street) from Mulberry Street to the Intersection of Wall Street and Also Sidewalk and Curb & Gutter on U.S. 22D (Locust Street) from Mulberry St. to Wayne Street (S.R. 73) and Declaring an Emergency.

Motion passed

Jason Besser read resolution by title only.

Peterson requested that the second and third reading be on the Agenda for the next meeting.

A motion was made by Peterson and seconded by Wallace to give the first reading only on a resolution Adopting Preliminary Legislation for the Resurfacing of U.S. 68 Including Sidewalk and Curb/Gutter from U.S. 22 (Main Street) to the Northern Corporation Limit and Declaring an Emergency.

Motion passed

Jason Besser read resolution by title only.

Peterson requested that the second and third reading be on the Agenda for the next meeting.

President Ertel: Thank you. Solid Waste/Recycling?

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

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: We have one item this evening, Mr. President. Mr. Floyd, do you have anything to say before this?

City Cab Supervisor, Phil Floyd: Not particularly. I appreciate it.

Councilwoman Popp: We all received an email from Phil explaining how we were the last holdout in Ohio to still have a “cab” company. This legislation will change it. The State of Ohio is powerful, so we are moving along with the name change.

A motion was made by Popp and seconded by McKay to give the first reading only on the ordinance Changing the Name of the Wilmington City Cab to the Wilmington Transit System (“WTS”) and Authorizing the Use of the Term “WILTRAN” for Marketing the Services of the WTS.

Motion passed

Jason Besser read ordinance by title only.

A motion was made by Popp 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4860 passed as read.

Councilwoman Popp: Nothing else, Mr. President.

Councilwoman Peterson: I just have one question. Is there still a 25th Anniversary on the 22nd?

Phil Floyd: That is something we are planning for now. We have that from 11 am to 2 pm on Saturday, August 22. We are putting things together for that right now.

Mayor Raizk: It will be the official unveiling of WILTRAN. “WILTRAN-sport” you anywhere.

[Laughter]

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: No report today, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President. I would like to make people aware of the annual downtown yard sale that starts tomorrow -- tomorrow and Saturday. This is a project of DWIC. There will be nonprofits on the street selling anything and everything. Also, something new this year, it is kind of like the Wilmington style of the *Antiques Road Show*. At 3:30 at South Street Gallery, 4:30 at For a Song and a Story, and 6:00 at the Chic Shanty, our own Gary Kersey will be looking at items and giving a good value for your items.

Councilwoman Mongold: Like an appraisal?

Councilwoman Popp: Well, not exactly. It is a Bargain Tips class. He will look into getting good value for your selections of art, books, and furniture. Also there is going to be a yard sale scavenger hunt. Most downtown business have information about that. So, come one, come all, and find all kinds of bargains. That is all, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace: I would like to ask that we establish a meeting the first week of September as a follow-up on the meeting we just had.

President Ertel: Okay. Very good. Very nice.

Mayor Raizk: We will have Andrea get in touch and see.

Andrea Tacoronte: Do we have any known conflicts on that week?

Councilman Wallace: Labor Day.

President Ertel: It is looking like you had a great meeting. There was a great turnout.

Mayor Raizk: They did a good job.

Councilman Wallace: That is all I have.

President Ertel: Okay. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – Through July 2009.

Motion passed.

Reports accepted as received.

President Ertel: 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.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, August 20, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

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

Council gave the Pledge of Allegiance to the flag.

A motion was made by Jaehnig and seconded by Wells to approve the minutes of the last regular meeting, August 6, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: I have before me the Notice of Legislative Authority from the Ohio Division of Liquor Control for a new D-51 liquor permit. It is from Antonio & Sharon Testa Partnership DBA Mediterranean Restaurant & Café; 53 E. Main St.; Basement Only; Wilmington, OH 45177. This will be on file with the Clerk of Courts.

Councilman Jaehnig: Basement only?

President Ertel: That is what it says. B-S-M-T. That completes my portion of the Agenda. That is all that I have. Mr. Mayor?

Mayor – Mayor Raizk: I don't have an official report tonight, but I would point out the banner that you all were looking at. The college students are coming into town. This is kind of unique – they will be doing work projects all around town on Saturday. There will be over 300 of them at one time, but in different spots. One of the more unique things that they are doing (while they have had Introduction to Wilmington Days before and they've been taken out), they are going to walk this time and experience the downtown areas on foot. Hopefully, the weather will be good and that will go very well. I know that around the community many families are hosting groups of them after their work period, at homes and other places. I was told that there were going to be about 20 of them at my house, even though I am going to be working somewhere else. They are coming over to have lunch and a little refreshment after their work project. I encourage everybody, if you run into the students, greet them and welcome them. They do provide an integral part of our economy and our culture here in Wilmington. That is the one thing I wanted to tell you about. Other than that, I think that is it.

President Ertel: Thank you so much. Committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: Nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have several items. The first is an ordinance establishing a new fund: landfill vertical expansion bond anticipation note fund.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4861 passed as read.

Councilwoman Mongold: The second item is an ordinance establishing a new fund: the CHIP Program Income Fund.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4862 passed as read.

Councilwoman Mongold: The next item is an ordinance making supplemental appropriations. There is one small item on this that does not have to do with the Sewer or Landfill Vertical Expansion funds.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4863 passed as read.

Councilwoman Mongold: The next item is an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4864 passed as read.

Councilwoman Mongold: The last item tonight is an ordinance requesting an allocation of \$2,700,000 of the National Recovery Zone economic development bond limitation of the County of Clinton, Ohio, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Requesting an Allocation of \$2,700,000 of the National Recovery Zone Economic Development Bond Limitation of the County of Clinton, Ohio, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the ordinance by title only.

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

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

President of Council declared Ord. No. 4865 passed as read.

Councilwoman Mongold: We are tentatively looking to have a finance meeting at noon on September 14. We will let you know. Thank you.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: We have two items on the agenda this evening. We are asking for the second and third readings on a resolution adopting what we had voted on last time. This is on the section of the U.S. 22, Main Street, just east of Dana, to the intersection of Wall Street and on U.S. 22, Locust Street. Are there any questions?

A motion was made by Wallace and seconded by Wells to suspend the rules and give the second and third reading on the resolution Adopting Preliminary Legislation for the Resurfacing, Sidewalk and Curb/Gutter on U.S. 22 (Main Street) from just East of Dana to the Intersection of Wall Street and on U.S. 22D (Locust Street) from Mulberry Street to the Intersection of Wall Street and also Sidewalk and Curb & Gutter on U.S. 22D (Locust Street) from Mulberry St. to Wayne Street (S.R. 73) and Declaring an Emergency, by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2157 passed as read.

Councilman Wallace: The second part is the same project. This goes up 68 from Main Street to the northern corporation limit. Are there any questions?

A motion was made by Wallace and seconded by Wells to give the second reading only on a Resolution Adopting Preliminary Legislation for the Resurfacing of U.S. 68 Including Sidewalk and Curb/Gutter from U.S. 22 (Main Street) to the Northern Corporation Limit and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Councilman Wallace: That is all I have.

President Ertel: Thank you. Solid Waste/Recycling?

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

Wastewater/Sewer Committee: Chairperson Mark McKay: Thank you, Mr. President. We have a couple of items tonight. The first has to do with authorization of the Mayor to contract for the construction of Sanitary/Stormwater Sewer Improvements and Pavement Restoration on Nelson Ave. I think Larry and/or the Mayor may want to comment on this a little bit. I know we have at least one other individual who wants to speak before we vote. We are going to ask for just one reading on this tonight.

Service Director, Larry Reinsmith: I know that Councilman Wells had asked some questions yesterday concerning that construction on Nelson Rd. I just did a little checking because I wanted to find a few things out about cost. You were asking about paving and storm system and everything. Everybody knows that condition of that roadway. There are no berms on that roadway. All of the edges of pavement keep washing out, and it is a safety issue. It is a project that rated #2 in District 10 for Issue II projects, out of about 35 projects. It is a good project. However, we have \$250,000 to put into this project. I know you might not think that is a lot of money to a total project of about \$1.8 million, but over the last ten years I haven't gotten that much money in any one year to do local paving projects in the city. It has been about \$175,000 or \$190,000 each year, so it is a pretty good chunk of money. We have done repairs to Nelson Road the last two years; in '07 and '08 we have spent \$125,000 – like \$75,000 one year and \$50,000 the next year – doing full depth repair and getting this roadway ready to pave. Now we are putting in the storm system, which will help preserve that. There are a couple of areas where they are adding 16 inches of asphalt to bring out the dips, get better eyesight vision, and it will be a safer ride down through there. I know the question came up, “How much would it cost to do that?” I spoke with our construction manager. I said, “Dave, if I just pave a 6-inch overlay from one end to the other, what would it cost me?” His estimate was \$249,000. So then we reviewed the itemized estimate by our engineers and we pulled all the pavement-related numbers out of there, and that came up to \$223,000 for the pavement on that project. Storm systems and curb/gutters are pretty expensive. I think that once it is done, it will be a lot safer thoroughfare. It is falling apart. It is in bad shape. We have been meaning to do it for a long time. I wanted you to know that we are going to tear that road up quite a bit with all of our connections going across for all of the catch basins and everything, but overall, it is still going to only cost about \$250,000 to pave that road. But, it really wouldn't do too much good to pave it if we are going to continue to lose it on the edges. It is pretty dangerous. Cars can roll right off of the edge of that, especially in the wintertime. That is about all I want to say about it.

Mayor Raizk: This is a project we have been working on for a long time. As you well know, we have spent \$125,000 over the last two years in anticipation of trying to get some of that deep pavement repair done. We will be cutting across that road in many places as we take the catch basins back and forward. The reality of it is, if we are talking about where we are spending the money, the Issue II money is pavement money. The Sewer Department money is for the storm sewers and the curb and gutter, which are an integral part of conducting the water. If we don't do that, it will just break up again. We have places where it is very easy to go off of that roadway at this point. Nelson Road is one of our most heavily trafficked thoroughfares. It is one of the city's primary north-south connector streets, especially on the western edge of town. It services not only a great deal of industrial traffic, but as well it connects three routes; you've got SR 730, you've got 3&22, and then you've got 73 and then off to the corporation line. It also services a huge amount of residential area for getting around town. If you look at the subdivisions that are in the area – either immediately adjacent or very nearby – that use that roadway, and the school. So, I think it is very important that we get this done. We have an opportunity to do this, and I think we'll really make a great project out of it. Just so you understand, we are asking for one reading tonight on the Nelson project. On the subsequent piece of legislation, we do need three readings tonight. We are going to open bids on the Nelson project tomorrow, so we will have a real good idea of what the hard number is when we come back. One reading tonight is very important, but we do need a second and third, I believe, at our next meeting, which will be in September. The one

reason is, we really can't start because we can't do it prior to the release of the Issue II money, which will be in September, I believe. They give us what is called a Notice to Proceed. We will have our ducks in a row and we'll have a hard number from bidding, which is good. We will be able to go in knowing exactly what the numbers are going to be?

Councilman Wallace: Larry, how many roadways do we have like this with the curbs and gutters. I know the extension of Prairie, Nelson, and what others?

Service Director Reinsmith: Truesdell, 730, going down 68 past Fred's house. There are a couple of things. All of these trenches on all these laterals will be backed up with a flowable fill, which is like a concrete slurry, which will help keep all of those trenches from sinking, like a lot of these projects do. The berms will be almost flat; there will be a slight slope to them. That will make it a lot easier if we want to come back and add sidewalks or bike trails or whatever you want alongside that roadway. You are doing away with those steep ditches, and it is going to be fairly level along the roadways for a safe route. Another thing that is important – the engineer and some of the contractors said they can really get it all done this year. We don't know if they can or not; it depends on when we get that start date. It is kind of critical because Nelson Road is always our detour route. Our stimulus projects, they sell them in January, and they will start the construction right after the break of winter, probably like mid-March. At that point, we are going to have a lot of detour off of Main Street that is going to go down this street. Time does become critical on some of the scheduling.

President Ertel: I have a question about the roadway itself. Is it going to be the standard two-lane or is going to be a wide two lane, or even possibly a three lane.

Service Director Reinsmith: It is two lanes, but it is going to be standard. Right now it is not. It is narrower.

President Ertel: It is going to be wider.

Service Director Reinsmith: We are going to have a turn lane down there.

Mayor Raizk: It is going to be 24-foot pavement, with 12-foot traffic lanes, which we do not actually have now.

Service Director Reinsmith: We run into things like the intersection of Main Street and Nelson. We need to do some reconfiguring there and widen the curve radiuses and things like that. Both projects are clashing right there. That signal is not warranted. They did some research on it. We really need that signal, but ODOT, because it is not warranted, will not pay for the alterations there at that intersection.

Councilman McKay: Thank you very much. I appreciate that. Paul, did you wish to speak?

Paul Hunter: I understand what you guys are saying, but I have my own view that I would like to express. Is the Nelson Road project of such a high priority that we must rush through legislation? We're not rushing through now, but when I wrote this, it was going to be all three readings. We're still moving forward at a pace. I drive on Nelson Avenue almost every day. It's not beautiful, but it is usable, from my view. These are the times that try the municipal economic soul. Can this project be defended in the face of employees passing up scheduled pay raises and even possible layoffs in the coming months and years? Can it be defended in the face of increasing economic strain on the city's residents? As near as I can determine, this off-budget expense, when added to the worthy funding for sewer line maintenance voted on tonight, will remove or obligate around two million dollars from the sewer fund's three million dollar balance. What if a true sewer emergency occurs next year, a sinkhole appears and half the sewer goes down. That could cost a million dollars. I don't know where we are going to get the money then for that. Should the people's sewer fund be used to pay costs that are unrelated to sewer operations. That gets tricky with the storm sewer. Is that a legitimate use for sewer funds. I don't have a legal answer to it. I feel like this could be delayed

until economic times get better. It is hard for me to imagine – I'll have to take your word – that the \$250,000 is going to cover all of the repaving but not the curbs, right?

Service Director Reinsmith: It was 8800 feet times an average 22-foot wide and 750 cubic yard. Just straight numbers.

Paul Hunter: It is my understanding that the need for our action is because of a September deadline for starting the project. Obviously, that is not quite the case. I also understand that there is small street repair grant, which is \$250,000. In my opinion, it would be prudent to delay this desired but not absolutely necessary project for a couple of years or until the economy improves and the street fund can carry its proper share of the costs. Who paid for the storm sewers on Davids Drive, for example? Street tag money or sewer tag money.

Service Director Reinsmith: Issue II and the Department of Development pretty much paid for that project.

Paul Hunter: A better use of the sewer fund surplus would be (and this is my opinion) to pay down debt thus reducing annual costs that now amount to about \$277,000 a year that we are paying on bonds. We are going to accrue new bond debt from this, are we not, of some \$700,000 more or less? Is that not so, that the sewer is going to back up a bond that we are going to submit for the project? That is what was discussed at the committee meeting.

Service Director Reinsmith: Some money is going to come out of...there is a sewer collection line that is not in the cash fund. There is a pot of money there that she is going to take a piece out of there. I thought she was going to try to take some money...

Paul Hunter: In the committee, I was under the impression, at least from Mary Kay, that \$700,000 was going to be added to sewer bond indebtedness. Rather than paying down debt; we're increasing debt.

Service Director Reinsmith: I just know that it is not all cash from Harry.

Geoffrey Phillips: I don't think we're increasing the debt. We have two funds. We have a sewer replacement and a sewer surplus fund. I think that is where the \$700,000 is coming from.

Paul Hunter: So Mary Kay was in error by saying...?

Geoffrey Phillips: It is not additional debt; it's additional sewer funds that are set aside for replacement.

Paul Hunter: Where is that fund?

Geoffrey Phillips: They're right here on the report that council has tonight.

Paul Hunter: It's part of the...?

Councilman McKay: Sewer replacement - \$332,000.

Paul Hunter: That is for the Warren Drive, anyway. That is \$300,000.

Geoffrey Phillips: It is a different \$300,000.

Councilman McKay: There is a sewer surplus fund of \$294,000 in addition to the regular.

Paul Hunter: I haven't seen that. Is it in the summary that we get? Anyway, a better use of the sewer fund, I think, would be to pay down debt and get the rates down. The citizens are hurting and this would be a little mini-stimulus to give them a reduced rate due to reduced debt. To me, the project can be delayed a year or two without significant

harm. The [inaudible] committee could add some information concerning the applicability of using funds from Sewer Collection and expend them on other things. You want to speak to that?

Geoffrey Phillips: I saw Paul's comment on the blog on the News Journal today. Since you are doing one reading and the sewer committee is going to meet, perhaps you might want to look at 923.03 and 923.08, which are the sewer charges that we pay for the sanitary sewer system. That is where this money comes from. I think that's what we all have to be at peace at. Can we use sanitary sewer money for curbs, storms and for a project of this magnitude. I think that is the heart of Paul's question, if I understand what he put on the blog site today and what he said tonight.

Councilman McKay: Thank you, Paul. Any other questions?

A motion was made by McKay and seconded by Mongold to give the first reading only on a Resolution Authorizing the Mayor to Contract for the Construction of Sanitary/Stormwater Sewer Improvements and Pavement Restoration on Nelson Avenue and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

McKay requested that the second and third reading be on the Agenda for the next meeting.

Councilman Wells: Will we have another committee meeting to discuss some of these....

Councilman McKay: We do not have a plan for that, but that certainly is something if council would like [inaudible for transcription]...

Councilman Wells: I think it might be a good idea just to get everybody. I told Paul and I told you...I support this project on Nelson. I think it would be good, but more important than that, we need to do what is right. Do it correctly. I want to make sure that we've got all of the funds right.

Councilman McKay: I'm fine with that. We can pull something together for the next meeting. I know that would be fine. A couple of questions that may be simple...trying to have a transparent administration. The next item is the authorization for the Mayor to contract for the sewer line improvements and restoration on the Warren Drive project. We are going to be asking for three readings on that. These have already been let and we're ready to do them. Do we have any questions or comments on that project?

Mayor Raizk: We got three bids, and from the highest to the lowest there was over a \$110,000 spread. I think our low bid was around \$298,000.

Service Director Reinsmith: \$289,000.

Mayor Raizk: \$289,000. The high one was \$398,000. It was a considerable difference on that. The Board of Control did approve that bid subsequent to this.

A motion was made by McKay and seconded by Wells to give the first reading only on a Resolution Authorizing the Mayor to Contract for the Construction of Sanitary Sewer Line Improvements on Warren Drive and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2158 passed as read.

Councilman McKay: That is all I have, Mr. President.

President Ertel: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: I am pleased to say we have a couple of items tonight on our agenda. On the first, we are going to be asking for three readings on a resolution to accept a grant. This is a grant that we applied for, for funding to relocate the shooting range, which is something we were going to need to do as Stuckey Farm Park develops and we have the handicap park out there and so forth. Of course, to upgrade to a little bit better opportunity. That is the first one. That is a grant for \$21,352. Nick, do have something you want to show on that or talk about that, or are you good?

Safety Director Nick Babb: If council wants to see what our plans are, we have a map here.

Councilman McKay: Are we still going with the site we discussed the other evening?

Safety Director Babb: There is a field adjacent to that field. I don't know if you can see it on the map or not. We altered it a little bit today. We're moving it closer to the main core of the landfill. We had a meeting today with Donnie Maher. He is going to use his equipment. Some of the grant covers his cost – fuel costs – to make a U-shaped area, which hopefully will be about 20-feet high. The new range will actually be a lot lower than what our range is now, so it will work well. It was closer to 22/3.

Councilman McKay: So that should help with the sound separation.

Nick Babb: We certainly hope so. Then, there is a woods right adjacent to where the range is also, which also should help.

[General discussion regarding shooting range]

Mayor Raizk: If you saw the original spot, we have moved it to the field that would be going more to the north, back towards the landfill. We did this for obvious reasons. It will be a shorter road and it will be more internal within our property. Given the topography and the woods, they will have much more buffer. One of the things that needs to also be addressed is that when we are talking about this berm of a minimum of 20 to 25-feet high, that is a significant improvement over not only what we have but what everybody else has. The Sportsman Club is down to about 7-8 feet. That's not very high. It needs to be much higher than that. Then it is also U-shaped. We think it will be safer, a better training facility for our folks, and also it will be sensitive to the areas around it in terms of noise.

Councilman McKay: It's further away from the residential property.

Mayor Raizk: Right. Actually, if we really look at where we are now, while I don't know about council, but I have received a lot of complaints about noise where we are currently. Technically, we are much closer to a heavily dense residential area than where we are. This is going to be much farther away from that. This should make more people happy.

Safety Director Babb: We are a lot higher where we are now, so we will be lower, plus there is going to be a large mound of dirt around it.

President Ertel: So it is going to be bermed in kind of a U-shape then?

Mayor Raizk: Yes.

President Ertel: Excellent.

Councilman McKay: A lot of people have gone to work on this since the last meeting and have made improvements.

Mayor Raizk: We had a very productive meeting this morning, I think, between administration and the chief and the assistant chief and Nick and Donnie to try to figure out what the best position would be.

Safety Director Babb: Donnie also mentioned that his group also will be using that culvert that the grant is buying in his operation, so it is just not going to be used by the shooting range.

Councilman Wells: There was a neighbor who expressed concern about the safety factor. Has that been addressed?

Mayor Raizk: Yes. We think we are far enough away at this point now that it should not be an issue. It is being positioned not that direction. We believe we have covered all of the bases.

Councilman McKay: But they have not been talked to directly on this. Have we made a call at least and explained what we have done to appease their concerns?

President Ertel: The new plans are available, Nick, in the office?

Nick Babb: We have them here tonight.

Mayor Raizk: We haven't actually marked it out, but we moved the spot, so I think that should be fine.

A motion was made by Jaehnig and seconded by Wells to give the first reading only on a Resolution Accepting Grant Funds and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2159 passed as read.

Councilman Jaehnig: The second item we have tonight is...

Nick Babb: Rob, could I interrupt you on that second item. I don't think we are going to proceed with that this evening. We have been notified by the Byrne grant people that we are eligible for this grant. Assistant Chief Weyand is in the process of answering some of their inquiries. We are not really ready to move forward on that tonight, so I would ask that we postpone that.

Councilman Jaehnig: So, since it is on the agenda, do we need a motion to take it off?

Clerk Laura Curliss: Do want to table it or take it off?

Nick Babb: Take it off. We're not sure what their timetable is. The first grant, we have been awarded that. This is an inquiry. We are eligible for it. We are in the question-answer phase.

A motion was made by Jaehnig and second by Wells to remove item 13B, Three Readings on a Resolution Accepting Grant Funds and Declaring an Emergency, from the agenda.

Motion passed.

Item 13B removed from Agenda.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – Nothing this evening, Mr. President. I just want to remind people of the concert tomorrow evening from 5-11 pm in the mural parking lot. Come one, come all.

President Ertel: Good weather too! Thank you. Parks & Recreation?

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

President Ertel: Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Thank you. Safety Director?

Safety Director – Nick Babb: No report. I would like to just draw everyone's attention to the paper tonight. On the front page there was an auto accident. That was our police officer, Scott Baker, who was hit head-on. He is doing well, I believe. Chief?

Chief Mike Hatten: Yes. I called him today and he said he would be in work tomorrow.

Safety Director Babb: Anyway, he got hit head-on. Somebody passed on the double line on a hill, so he is going to be at work tonight. Seatbelts.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Auditor-Treasurer Report – July 2009 and the Hotel Lodging Tax Report – 2nd Quarter 2009, as received. Motion passed.

Reports accepted as received.

President Ertel: 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.

Councilman Wells: The Clinton County Youth Center, which I am a member of the board there, is having an open house on Monday, August 24 from 5 to 7 pm. I know there are some other activities going on that evening, but if you could stop by and just show your support. I suppose everybody knows that the Clinton County Youth Center is at the old Main Building property. From 5-7 pm. You are all invited. Thank you.

Mayor Raizk: I have just a couple of items. I do want to remind everybody about the open house at the Wilmington Transit System facility. We are expecting a good time – casual. I think it is from 11:00 to 1:00. We will be having a little bit of a program at around noon. We are very excited about it. It is the 25th Anniversary of our award-winning public transit system. I do have it in good order that the Mayors who have been involved with that are going to attend. Although Bob Moyer, who originally got it started, Juanita, his widow, is going to attend. Nick Eveland is going to attend and myself. I talked to Nick last night and he is looking forward to it. Bob Holmes is going to attend as well, who was very instrumental in getting those things started. I think it will be a good time and I wanted to make sure that everybody remembers that. I think you have this in your packets tonight, about the foreclosure seminar – Preventing Foreclosure. This is by Freddie Mac along with the City of Wilmington. We are providing the space. I just wanted to make that announcement. It is on Friday, August 28, from 12 pm to 7 pm. Is it going to be in the Moyer Room?

Clerk Laura Curliss: Well, there is a presentation at noon and one at 6:00. Then any lenders or other service providers will be in the lobby during the rest of the time.

Mayor Raizk: We have a number of mortgage lenders signing up to participate. I think, given the current state of affairs with a lot of folks, this is a good seminar, and we want to get the word out. I think I got everything else. That is all.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, September 3, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

President Ertel: Thank you so much. There are a lot of people here tonight. This is great. If you have any questions during the meeting on how things work and so on, just raise your hand, and we will see what we can do to answer it, because we do move pretty quickly and whatnot. If you have any questions, just let me know.

A motion was made by Wells and seconded by Peterson to approve the minutes of the last regular meeting, August 20, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: That concludes my portion of the Agenda. Mr. Mayor?

Mayor – Mayor Raizk: Thank you Mr. President. I don't really have a large report tonight, other than I believe that at everybody's place you did get a memo. (Gary, I don't know if you have gotten this yet or not.) We will have our Ceremony of Remembrance as we have had every year on September 11 at 7:30 am in the Municipal Parking Lot area. We have had a long string of these. We have not missed, and we do not intend to. I want to make sure that everybody remembers. This year it is on Friday. Any member of the community that would like to come, not just the city and county employees, but anybody, is more than welcome. That is all I have.

President Ertel: Thank you. Moving into committee reports –Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Yes. The first item we have tonight is an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No 4866 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations. Are there any questions?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4867 passed as read.

Councilwoman Mongold: The third item tonight is a resolution approving special assessments pursuant to Chapters 923.09, 929.03, 1701.10, and 1729.03 of the Codified Ordinances of the City of Wilmington, and declaring an emergency. This resolution is to send to the County our assessments for mowing, sewer and so forth. We do this every year.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Approving Special Assessments Pursuant to Chapters 923.09, 929.03, 1701.10 and 1729.03 of the Codified Ordinances of the City of Wilmington, and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Councilman Wallace: Can I ask a question?

Councilwoman Mongold: Yes.

Councilman Wallace: The words "special assessments" for this. Are we changing how we assess the [inaudible for transcription]?

Law Director Kathryn Hapner: No. It goes on the tax roll. It is a special assessment because it is not part of the real estate taxes. It is an assessment from the City, which is considered a special assessment.

Councilman Wallace: Thank you.

Geoffrey Phillips: Do we have a copy of Exhibit A and B? Do you have that?

Law Director Kathryn Hapner: I have it.

Clerk Laura Curliss: It was attached to your ordinance.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2160 passed as read.

Councilwoman Mongold: The last item tonight is a resolution declaring it necessary to light the streets, lanes, alleys, lands, squares, and public places in the City of Wilmington with electric lights and for special assessments (once again, that word) to be levied to pay the cost thereof for the year 2010. This is a yearly resolution that allows us to light the streets.

A motion was made by Mongold and seconded by Peterson to give the first 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 2010..

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2161 passed as read.

Councilwoman Mongold: The next finance meeting will be September 14 at 12:00 noon.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have one item on the agenda this evening, Mr. President. At your seats is a graph of what has been happening for the last few years with water revenue. It presents a problem for us as far as trying to payoff the notes that we have. They recommended that we go ahead and pay off this bond that we started making in 1998 to try to help. We have a few dollars in reserve at this time, so that is what we are trying to get accomplished. We think it will help us in the long run. It has been recommended by the Treasurer. Geoffrey, is there anything else you want to throw into this pile?

Geoffrey Phillips: What this does, it will lessen our debt coverage by about \$200,000 to \$220,000 a year.

Councilman Wallace: Are there any questions that we can answer before we can bring this matter in?

A motion was made by Wallace and seconded by Peterson to give the first reading only on the ordinance Authorizing and Directing that Certain First Mortgage Waterworks System Revenue Bonds Issued in 1998 be Called for Optional Redemption by the Bond Trustee, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

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

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

Paul Hunter: May I ask a question, please? This will prevent us from raising water rates this year? That's the idea, right?

Councilman Wallace: We're hoping to. Yes.

Paul Hunter: So it's not for sure?

Councilman Wallace: We're trying to do everything we can, Paul, to keep it where it is at. This is kind of a result of that meeting you were at about a month ago.

David Hollingsworth: Paul, I think this is what we really felt comfortable with, taking up the reserves. We are not earning hardly anything on that money, and if we could pay off some old bonds that we're paying probably over 5% on, save that money, and then help reduce our debt. The coverage ratio is mandated by the bond.

Paul Hunter: To keep it 1.1.

David Hollingsworth: So we are trying to keep it at 1.1.

Geoffrey Phillips: These bonds range from 4.6 to 5.2.

Councilman Wallace: We are hoping that this will balance it out so we make that goal.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4868 passed as read.

Councilman Wallace: That is all I had, Mr. President.

President Ertel: Thank you very much. Streets Committee?

Streets Committee – Chairperson Peterson: I have the third reading on a resolution that we need to have in place. The Ohio Department of Transportation requires this, as you will recall, for us to accept the state-allotted funds for this project.

Clerk Laura Curliss: Madam Councilwoman? The state sent us a new title. It is the same project, new title. We need to amend the title. That is why it says "as amended."

A Motion was made by Peterson and seconded by Wells to Amend the title of the legislation.

Motion Passed.

Title of resolution amended.

A motion was made by Peterson and seconded by Wells to give the third reading only on a resolution Adopting Preliminary Legislation for Pavement Repair, Planing and Resurfacing Including Sidewalk Repair/Replacement and Curb and Gutter Repair/Replacement (On U.S. 68) from U.S. 22 (Main Street) to the Northern Corporation Limit and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Motion passed.

President of Council declared Res. No. 2162 passed as amended and read.

Councilwoman Peterson: That is all.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you so much. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: Thank you, Mr. President.

We have a couple of items on the Agenda tonight, which are both related. I would like to switch Item B to read first because it has to do with financing. Then, the second item will be giving the mayor approval to contract. The first item is a really good thing that

came to pass since the last council meeting. It was driven by the Auditor's office, the Treasurer and the Administration. They have found a way to finance our Nelson Avenue Project without having to take a large amount of money from the sewer fund as we thought we were going to have to. In conjunction with that, the bid opening revealed that the project was not going to cost as much as we thought it would. Instead of having to borrow \$1.5 million, we are only going to have to borrow \$1.25 million. This will be from the group called the Ohio Water Development Authority. It is a loan with a 20-year amortization. It is not bonded, which makes things a little less expensive. It keeps the majority of our sewer fund in place for other things as we need. I would entertain any questions in regard to this.

Paul Hunter: The money is going to come from the sewer fund, though, right? That is the plan. The money to pay back.

Councilman McKay: That is correct. Are there any other questions?

A motion was made by McKay and seconded by Wells to give the first reading only on a resolution Authorizing a Cooperative Agreement Between the City of Wilmington, Ohio, and the Ohio Water Development Authority for the Construction and Maintenance of a State Water or State Wastewater Project and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2163 passed as read.

Councilman McKay: Now that we have the financing in place, I would like to move to item A, which authorizes the Mayor to contract for the construction of these improvements.

A motion was made by McKay and seconded by Wells to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Contract for the Construction of Sanitary/Stormwater Sewer Improvements and Pavement Restoration on Nelson Avenue and Declaring an Emergency, by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2164 passed as read.

Councilman McKay: That is all I have, other than a lot of kudos to everyone who have worked hard to find an alternative way to finance this. In these times, we need to be creative, and everybody did their job. That is all I have to say.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: We have three items, Mr. President. The first reading tonight on a resolution authorizing the submittal of a proposal with the Ohio Department of Transportation for a grant through the US DOT from the Ohio Public Transportation Grant for Ohio Elderly and Disabled Transit Fare Assistance. Phil, do you have anything to add to this.

Phil Floyd: Just that we have submitted the written proposal for the 2010 grant electronically, and then the signed certificates and assurances that need to be sent this year. This starts the process of three readings and then the public hearing October 1. That will get us rolling until we hear from them whether we have been approved for what we requested. I would like to take a second, though, to quickly thank those who came and supported our Open House on August 22. We deemed it a great success. We thank the Council and the Mayor for all of their support.

A motion was made by Popp and seconded by Peterson to give the first reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant through the U.S. DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Fund Available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled Transit Fare Assistance Program and Executing a Contract with the Ohio Department of Transportation upon Grant Proposal Acceptance and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the second reading be on the Agenda for the September 17 council meeting.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Authorizing the Execution of a Contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the second reading be on the Agenda for the September 17 council meeting.

Councilwoman Popp: Thank you, Phil, for all of your work with getting all of these done. The third item is a resolution authorizing the mayor to prepare a FY 2009 CDBG Tier II Downtown Revitalization Grant Application.

A motion was made by Popp and seconded by Jaehnig to give the first reading only on a resolution Authorizing the Mayor to Prepare a FY 2009 CDBG Tier II Downtown Revitalization Grant Application, to Contract with CDC of Ohio to Perform a Building Survey to be Included in Said Grant Application and to Submit the Grant to the Ohio Department of Development and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2165 passed as read.

Councilwoman Popp: That is all I have, Mr. President.

President Ertel: Thank you so much. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report this evening, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace – We had a lot of fun last weekend out at the park, with the cars and the band and everything. It was a lot of fun. I really have no report.

President Ertel: We'll take good news to report. Service Director?

Service Director- In the absence of Service Director Larry Reinsmith, Mayor David Raizk: No report.

President Ertel: Thank you. Safety Director?

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

Reports:

A motion was made by Jaehnig and seconded by Peterson to approve the Income Tax Report – August 2009 and the Hotel Lodging Tax Report – 2nd Quarter 2009, revised, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

Paul Hunter: 200 Randolph Street. Wilmington. Mr. Mayor, you have seen this. This is on the water bills...the spreadsheet saying who is delinquent on water bills.

Mayor Raizk: I have not seen it, Paul.

Paul Hunter: I humbly request that you ask the Director of Code Enforcement to prepare such a list. He is required to put the information out, but as Madam Clerk can tell you, the only way I can get that information is to go through every file that has been created in that department over the past 5-6 years. The spreadsheet that we had under Mr. Greg Bell looked just like this. I have been trying to get that sort of cooperation from that office, to date with no success.

Mayor Raizk: I'll look into it.

President Ertel: Thank you. Is there anyone else wishing to address council?

Mary Richardson: Members of the City Council. I am Mary Richardson. My husband and I reside on Woodside Drive, and these neighbors are ours. Our question to the council is why zoning laws are not enforced. Our street is zoned for single-family residential homes. Family, as defined in Section 1131.24 in your Planning and Zoning Code states "Family" means one or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses' home, fraternity or sorority house." Why does this continue to not be enforced and what can we do to correct this violation? We live by a house with six unrelated persons, not living as a single housekeeping unit. We would like to have an answer as to why this is overlooked.

Mayor Raizk: Give your address to her [Clerk of Council], but then tell me the address of the house.

Mary Richardson: My address is 1504 Woodside. The house in question is 1516 Woodside. Thank you.

President Ertel: Thank you.

Yvonne Hayes: I am the next door neighbor on the other side. I am a widow and live alone. One time the police came over and even arrested people out of this house. So, how safe is it for a widow living alone?

Mayor Raizk: You say there are six people.

Yvonne Hayes: 1528 Woodside Drive. There are six and seven sometimes. If you need to know where the house is, we can tell you. What can be done about this?

President Ertel: What are the ages of the persons?

Mary Richardson/Yvonne Hayes: Adults.

Mayor Raizk: And they are not related? It is not a family of any kind.

Mayor Raizk: Let me ask you a question. Is somebody charging rent to these other people?

Mary Richardson: Each one pays individual rent.

Mayor Raizk: Are any of the people who own the house living in it?

Councilman Jaehnig: So, it is like a sublet.

Mary Richardson: So, would a sublet be okay?

Mayor Raizk: We will look into it. I'm not sure what applies here, but we will find out.

Mary Richardson: Will we hear from you?

Mayor Raizk: Yes. We will let you know.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on September 17, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

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

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by Wallace to approve the minutes of the last regular meeting, September 3, 2009, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: That concludes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have a lot tonight. In a press release dated September 14, the Council has been working on the project on Nelson Ave at Textron. As you know, there are several phases to that project in terms of receiving the grant. The first hurdle to be cleared is the COAF grant, as it is called, which will do the environmental assessment with Clean Ohio Assistance Funds. On September 14, we did receive that grant. We will receive \$182,834 for the first section of this, which will determine the viability of the site. We are very thankful to the Ohio Department of Development and the Clean Ohio Funds for that. I also need to give a big shout-out for Laura. She worked very, very hard on getting these grants. This was very complex. It was very time-consuming and time sensitive. They had to be done quickly and in the proper range. Thanks, Council, for the support of this. This is the first part of the legislation that you have already passed, and we did receive that grant. That is all I have. Thank you.

President Ertel: Thank you, Mr. Mayor. Committee reports - Asset, Acquisition and Use?

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

President Ertel: Thank you.

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have several items. The first item tonight is a resolution authorizing the mayor to enter into an agreement with Honeywell International, Inc. for an energy efficiency/energy cost savings project for the City of Wilmington buildings and facilities and declaring an emergency.

A motion was made by Mongold and seconded by Popp to give the first reading only on A Resolution Authorizing the Mayor to Enter into an Agreement with Honeywell International, Inc. for an Energy Efficiency/Energy Cost Savings Project for City of Wilmington Buildings and Facilities and Declaring an Emergency.

President Ertel: Also, I would like to say that the Honeywell people are here in case anyone has any questions or anything. They are here to answer those. Is there any discussion?

Scott Kirchner: I do have some questions on the agreement.

President Ertel: That would be fine, if you want, from where you are.

Scott Kirchner: You are looking at doing three readings at this point and passing the agreement. Correct?

President Ertel: That is correct.

Scott Kirchner: First of all, I want to say that I am supportive of the effort to be efficient in our use of energy and to lower our carbon footprint...

President Ertel: Scott, one moment. If you could come to the mike, then you will be on the record. Sometimes, it does not record that far out.

Scott Kirchner: Scott Kirchner. 245 S. Mulberry Street. I am very supportive of the effort and think there is value here. But, I had some concerns in reviewing the data that I got today and wanted to come up and ask some questions on the program. Specifically, is it normal for a program like this to have a 15-year break-even timeframe?

Honeywell Representative: Yes. Probably the best place to start is to kind of rewind back to the House Bill. The House Bill program was passed back in 1994. It was called House Bill 300. Subsequently, last year, they actually modified the legislation. At one point, it was a 10-year program. Last year they modified it, at the request of one of the counties in Ohio, to allow it to be funded over a maximum of 30 years or the average life of the equipment, if you will. Under the amendment, we were able to fit more critical capital needs for the city into the program. Fifteen years is generally about as far as I would recommend someone going, particularly with buildings. We figured the conservative average life of the equipment that is being installed is somewhere around 17 years. The roof has a 20-year warranty. Is that correct? Schools have been doing 15-year programs since probably about 1994, so it is generally in the industry a pretty standard term. The federal government actually goes farther.

Scott Kirchner: Okay. Well, and the concern being that you have to get past 15 years before this begins paying back and that was my concern. It pays for itself in that 15. So, the money we spend now finally comes back totally after 15 years, but then all of these improvements and pieces of equipment have to remain in use in 100% effectiveness to the level they are going to go to now in order for us to save this money on an ongoing basis. So, it will be 15 years before we see any benefit back to the citizens from this, according to calculations. That is why I was concerned.

Councilman Jaehnig: My understanding is this allows us to put things into place that we would not have the money to put into place otherwise, as far as upgrading systems and so forth. We have quite a few of our heat pumps that are at the end of their lifespan currently, so this actually allows us to not just deal with the heat pumps but to expand our push for energy efficiency and so forth out much further. Wilmington City Schools has already done a project very, very similar to this. It was a different organization, but they have had phenomenal results with their energy savings – far exceeding what was actually projected for them.

Scott Kirchner: I understand that potential. I guess I don't understand, the city can replace its heat pumps any time it needs to, so I don't think you need this program to be able to replace worn out equipment.

Honeywell Representative: There are actually 46 water source heat pumps in this building and 40 of them will be replaced as part of this program. You have lost several over the last few years. Six of them have been replaced, I think, over the last couple of years. You also have a roof. You have just invested a significant amount of money at the Fire Station to take care of some issues internal. One of those issues that will come back to haunt you if we don't replace the roof, is the roof, with moisture. That is another critical thing. A couple of things would be a couple of generators that are definitely needed at a couple of locations. These are being added as part of the program. Again,

what we did was build a program to address some critical capital needs with energy savings from across the city. Our guarantee will cover the cost of financing. However, we believe that there is a potential upside, as much as 10% upside, on top of the savings that we are going to guarantee, which will come 100% back to the city, so there is a little bit of additional savings that potentially come back to the city. Again, the gist of the program – it has a large energy component – that is how we are making this happen, but the bigger impact on the city is what you just mentioned. It is really the capital improvements and being able to expedite those in a very short period of time and be able to leverage (I don't know how you did this, Mayor) a 5% interest rate on this money. We've kept our other options open just in case, but we have a really good interest rate on this money.

Scott Kirchner: I'm sorry, did I misunderstand? Were you indicating that it was the financing that you couldn't do otherwise. Did I misunderstand your point? Maybe that was what he was alluding to, because you can replace your heat pumps any time you need to.

Councilman Jaehnig: If we run into mass heat pump replacements and so forth, then we are looking at different ways of funding that. This will allow us not to just do heat pumps but to update our lights and to update our thermostat systems and update to LED stoplights and all of that and generators and so forth, and at the same time bringing us current, which would be much more difficult to do, and in 15 years we would be in exactly the same situation, but maybe not as current as perhaps we could be in regards to our energy efficiency.

Scott Kirchner: Potentially. I agree. Please don't misunderstand the question. This is about bang for the buck. That really is the concern. In fifteen years, will we still be in all of these facilities. Will they still be servicing our needs? Do we need them? If we don't, then we won't get that gain back on them, although I am pretty sure this building will be here. I know we are going to have a fire station out east.

Councilman Jaehnig: I know Geoffrey was involved with this, too. The schools have seen some remarkable results from the program that they put into place. What was that, four years ago, Geoffrey? Three?

Geoffrey Phillips: Probably three.

Councilman Jaehnig: That is where I am coming from. I have already worked with the schools and have seen what they have been able to accomplish with a very similar program. I was thrilled to hear that the city was looking at this.

Scott Kirchner: There was a significant difference to some of that, though, because of the types of facilities they were. There is a lot of stuff here that is on a smaller scale. It doesn't necessarily scale up the same way. I am not questioning the ability of this to save energy, okay? I am questioning the ability of it to save enough that it is worth taking the risk, because there are a number of risks associated with it. I wanted to know if it was normal for 15 years to be the break-even point. Ten percent increase, we get to positive cash-flow, probably somewhere around, if your indications are right, that you would expect 10% beyond what you are guaranteeing.

Honeywell Representative: I think it was like in year four or five, if you assume 100% of the energy savings. Actually, it is in year six you are achieving a positive at that point, if you assume 100%. The other two things that we are taking advantage here of that could go away at the end of the year are DP&L rebates on lighting and heat pumps. We can leverage those. There are a lot of questions about what those rebate programs will look like next year. They will be here, I am sure, but there are a lot of questions about how PUCO is going to react to the savings program. The other thing to keep in mind is Honeywell is backstopping this with an energy guarantee. We actually guarantee the energy savings. So, if there is a shortfall, we are going to make up that difference with a check. I am here to tell you that we are not perfect. About 1-3% of the time, we have missed the guarantee. In the City of Euclid, we nailed the first of our project, but the second phase we missed, so we had to write them a check. We did some things recently

to correct it, so we don't have to write a check for fifteen years. Again, one of the things we are doing is taking some of that risk off of the city and putting it on us to make sure that the project performs.

Scott Kirchner: I did notice that you don't guarantee at a rate below those numbers that were presented in the cost analysis, slightly. The key to this, and this is what my concern is, Councilman Jaehnig, this is a negative for the first portion of the program – 100% payback and at 5 years you stop paying more than you are today. So, we are raising the expenses to the citizens for a period of time. By the cash flow analysis in here, year nine is when you stop paying more, based on your debt service and the energy savings. So we are talking about in the analysis roughly a decade of higher costs to get to the back side where we begin to see the benefit come over that debt service, and that analysis depends on an increase in energy costs. Right now, natural gas is actually taking a dip, which you do note in your report and they have done that very effectively. But, just so everybody is aware, not only are you signing up to pay more with this debt service than you are paying in the current system, but you have some assumptions in here that have to come through. We do have a guarantee, but it is not to the level of that analysis. It is below it. So, there are valid reasons to be looking at this just a little bit harder. That is why...\$1.4 million is a lot to sign the people up for, especially when you don't see the return on it for 10 years essentially, 15, maybe 20. That is why I'm asking the questions, just so you understand where I'm at. It does make me wonder as I look through the plan. It is a very comprehensive plan. It is an aggressive plan. Can the plan be broken down into parts and have parts accepted and part not done if we look at an analysis of what made sense?

Honeywell Representative: Yes. And what we have that makes sense is what is before you at this point in time. Dave Allen and I went through this.

Councilman Jaehnig: There were many other options that are not included in the current plan.

Scott Kirchner: Yes. They had a list. A number of things that weren't done in the plan. But my question is, when you look at this, do we have equal value in all of these projects. In other words, will they pay back for the dollar invested as much? If we did half of this, could we capture three-quarters of the savings? That is the analysis that I am asking. Because when you look at this, there are some things in here that don't save energy. That is why I am asking about whether or not it can be broken down into parts. Some of them just may not be cost effective to do. And, do we have a per-project cost (because I didn't see that in there), what it is actually going to cost at each facility to then compare each facility's payback to or each project?

Honeywell Representative: What we did was, we actually provided for Mary Kay a breakdown between general fund and enterprise, because each of those has to, if you will, stand on their own. We can't move money back and forth, so we provided an analysis for her. Per se, there is not a breakdown per building. Again, what we are looking at is a comprehensive program that in total will satisfy the requirements of the law. Going back to the early discussions with the Council President and David and members of the Finance Committee, these were all projects that were critical and identified by the city as things that needed to happen. Money that is going to be spent over the next five to ten years if you do nothing. What this program does, it not only takes care of those things, leverages rebates as well as low interest rates as they stand today, but it also expedites those reductions such that you are hedged in the future against price increases in energy. Who knows what is going to happen with cap and trade. There are a lot of things in this that help really position the city in the future.

Scott Kirchner: I definitely agree with the idea of reducing our energy usage. I think those portions are real. The question I ask, when you look through the specific projects, not all of them necessarily do that. In fact, when I look through, is it normal for about 25% of the projects to be non-energy saving, because about 25% of the projects in here are non-energy savings.

Honeywell Representative: The only ones I can think of that would be non-energy savings would be the generators. That would be a safety concern and a need. Again, it

falls well under the realm of the House Bill program. The roof project is the other one, which is a very extended payback. We are adding insulation to that roof, so you are going to get some energy savings. We are also sealing up that building, which kind of complements that. Roofs tend to not to pay for themselves. We did one for Urbana, we finished one in Fairborn late last year. Again, it was unbudgeted. Particularly when it comes to a city, they have an unbudgeted capital issue, whether it is the heat pumps or the roof, you pick the poison. We are trying to find a way to self-fund that using legislation. I would say that really the generator is the only thing I can think of that...

Scott Kirchner: I was just simply going off the comments in the report. They specifically note this will not save energy. When you look at it, you have 46 total line items and nine of them specifically note they will not save energy. That is how I came to that math.

Honeywell Representative: It probably is not in terms of capital. It is not 25% of the capital in the project that is not providing energy savings.

Scott Kirchner: That is why I was asking about the specific project costs. If 25% of the money is going and not saving us energy, do we need to borrow \$1.4 or could we borrow a million? That is really the question, because the debt service, and he brings up another point. I didn't realize it until I got here and saw the note, we are throwing debt service onto our enterprise funds. Now we have had an emergency 22% increase in trash costs passed onto the citizens this year. We have just paid off water bonds to avoid having to immediately raise water rates. We are concerned about it with sewer. We are putting more debt into those funds, and we are running the risk of raising already high rates on an economically depressed city. That is one of my concerns, which I was going to get to late, but he brought the point up, so I'll make it. Because you are moving that debt into those enterprise funds, you are now potentially increasing the likelihood of having to do rate increases on the citizens, and that is a concern for me. That is why I am asking the questions. It appears that half of the major equipment in the purchase list, 7 out of 16, have a lifespan of 15 years or less. The reason I make that point is, because if you cash flow this at a break-even of 15 years...

President Ertel: We have studied this for the last two months, and I know you have just gotten your copy today. We have pretty much gone over this through the different committees and so on and so forth. We appreciate it, but can you finalize some of your comments, please?

Scott Kirchner: Well, my comments are, are we spending the people's money wisely? When I look at this, I have serious questions. You have to get to 15 years before it starts paying back citizens, and half of the major equipment purchases don't have a lifespan beyond that, so you don't get there. It is a reasonable question, I thought.

President Ertel: Sure. I understand.

Scott Kirchner: By the way, I get the meeting notices, and I don't remember seeing that this project was being analyzed. In fact, when I stopped up today to get a copy of what had been presented, it was my understanding that the final report and contract just got here today. That is what I was told.

Honeywell Representative: Just to clarify that. We actually provided a contract for the Finance Committee meeting on Monday. You received it the day after the holiday, so you would have time to review it by the 14th. We delivered our report on Monday. Geoffrey asked us to remove a split system for a data center that was in there and let the courts handle that separately, so we redid the contract and all of the documentation and delivered it to David yesterday. This thing has been back and forth. We have had two finance committee meetings and a then a couple of the council members [inaudible for transcription] from the outset, as well as David, reviewed RFQ processes.

Scott Kirchner: Well, I was unaware that you were going through this project or, obviously, I have interest and would have been involved. It would seem the need to pass emergency legislation tonight in three readings entering into this agreement and in three

readings borrowing \$1.4 million dollars that really made me wake up to its importance, I guess.

President Ertel: I know.

Scott Kirchner: The other thing is I read through this and it appears that the city had already started down a path of converting traffic signals that would save, according to the calculations here, 20% of the energy savings that we are getting. We already were doing this for 20% of it, and I am curious why we did not continue that and why we are wrapping it into this project based on the numbers. I do understand that there are rebates associated with that.

Honeywell Representative: Absolutely. Again, you know that is an excellent comment. We get that commonly with lighting with traffic signals because those are traditionally things that cities and schools and counties and the state do already. The reason to capture them in here is twofold: To expedite the implementation, because those tend to happen over time. We have one large city to the south that may never get theirs done before the technology changes because there are so many intersections. The other reason we do that is it helps support things like roofs that have 40-year paybacks or where we replace a few windows over at one of the Fire Stations. Again, it is a no-brainer, but it is driving the savings under the legislation to help support those longer payback projects, to build a cash flow model that works. You take those out of the mix and suddenly you have a project that will not fund itself and the city is kind of back where they are today.

Scott Kirchner: Well, and part of that is my concern because some of these projects are not energy related. They are street projects in here to upgrade intersections. Not that I disagree with the idea of safety and pedestrian signals, but wrapping it into this \$1.4 million dollars and it doesn't save any energy seems odd to me. That is one of the things I am questioning. We seem to be spending money to create backup electric at noncritical facilities – the generators we're talking about. We are putting in generators at facilities that are not emergency service. I am asking the question. We are buying equipment, we are adding to this cost, we are adding to our maintenance budget, and technically, we are...

Mayor Raizk: Let me respond to the generators. The one is at the service garage, which is actually very critical because without that generator we can't fuel all of our vehicles. We ran into this problem when we had the hurricane come through. The generator at the service garage is a World War II surplus generator that we have had for I don't know how many years – 40 or 50 years. We realize that it is very critical and that we need to upgrade that. The one at the taxi facility is because, number one, we also learned during the hurricane a year ago that transportation was very critical to our needs to help the community out, especially when people could not get fuel and could not get anything. We also designate that as our safe haven as a place to take people if we would have shelter people. That is the other part of it. They are both critical if you can understand the reason why we are doing this. The taxi facility is what we have designated in the future if we need a place to take folks to shelter them if they have been put out of their houses. It is a safe place.

Scott Kirchner: I would anticipate we have backup generation at the municipal building because we have dispatch here. We have backup power at the fire station. All of those make sense to me. We seem to have facilities that have plenty of capability to serve as an emergency shelter that already have it. I am asking the questions. With the current economic downturn, with this adding debt and mortgaging our future, I just think we need to be really looking at whether or not we need to spend all of this money, because not all of these things do save energy. That is my concern. If we want to put these things into budgets and do them slowly over time, that would be fine. I would like to encourage council to take a slower approach to this. If your goal is to get done by the end of the year and capitalize on current rebates that are out there, I think you can still get that done. I think there is some pork in this. I think you can reduce the cost and the risk to the citizens in rate increases, in debt service...

President Ertel: Just one comment there. Pork may not be the right term to use.

Scott Kirchner: Well, compared to the goal, which is energy savings, there are some projects here that have nothing to do with energy savings.

President Ertel: But it is good timing to get this done.

Councilman Jaehnig: I am confused about your statement about going slower being safer for our citizens.

Scott Kirchner: Taking a little bit more time to analyze this data, to ask the questions, to look at a project-by-project payback, perhaps choosing a portion of these that are specifically energy benefit, looking at getting a sooner payback and not risking as much to the sewer, water and trash funds, just making sure that we are doing something effective. Because, as we have noted, there are a number of projects in here that are not energy efficient. They don't save anything; they just cost. My question is, in these tough economic times, with some of the highest utility rates in southwest Ohio and with the potential risk of not having good economic growth, not creating jobs with this, and, in fact, potentially creating detriment to new jobs coming here, I think we should slow down.

Councilman Jaehnig: How would...?

Scott Kirchner: Because if you have the highest rates in southwest Ohio, Councilman Jaehnig, why would a business want to locate here? That's why. We are not attractive if we're the most expensive place to run your operation. If we are putting the city in debt and lowering our capability to invest in an industrial park or something like that because we are servicing this debt. We are also putting ourselves at a disadvantage. There are just some simple analyses in my mind, and that is what I mean by that statement. I understand...

Councilman Jaehnig: I respect your opinion. I disagree with it, but I respect your opinion.

President Ertel: Okay. Thank you, Scott.

Scott Kirchner: I would encourage council to slow down and take this back to committee.

President Ertel: Thank you very much.

Councilman Wells: May I ask a question as well?

President Ertel: Yes.

Councilman Wells: Why is it an emergency?

President Ertel: Why is it an emergency?

Councilman Wells: Why is this an emergency?

Mayor Raizk: When it is financial, it is always an emergency, because it goes into effect immediately.

Scott Kirchner: It is not required to be, correct? I understand an emergency makes it immediately go into effect. I believe the question is, is there a reason why this must be an emergency?

Councilman Wells: Is there?

Mayor Raizk: We have some deadlines that we have to meet.

Honeywell Representative: A couple of things. We have spent a lot of time working on this. We have firm pricing. We have to get the roof done or we are going to be in serious trouble before the winter sets in. Again, we have spent... When was the RFQ issued?

David Allen: June.

Honeywell Representative: Since June. Again, we haven't done this at a quick pace. We have done this, I think at a reasonable pace. A lot of these things that ended up in there were based on what the city wanted to put in. This is not a Honeywell program. We provided the guidance and the engineering to put the program together, but this is a city program.

Paul Hunter: Will 30 days make any difference?

Sandy Mongold: Well, we also have limits with the bank as to how long they will secure that low rate of interest.

Honeywell Representative: The interest rate is the other thing...

Paul Hunter: Will 30 days make any significant difference?

Honeywell Representative: Yes, I think so. We actually had a couple of banks drop out from the time we issued the report until today.

Councilwoman Mongold: Are there any other questions?

President Ertel: I have a motion and a second for the first reading, correct? Very good. We have had discussion. All in favor, signify by saying "Yea."

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, no; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, no; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2166 passed as read.

Councilwoman Mongold: The second item tonight is a resolution authorizing the mayor to enter into a loan agreement with National Bank & Trust in Wilmington, Ohio, for a loan not to exceed \$1,400,000 for fifteen years at a fixed interest rate of five percent per annum to complete an energy efficiency/energy cost savings project for the City of Wilmington buildings and facilities and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Loan Agreement with National Bank & Trust, Wilmington, Ohio, for a Loan not to Exceed \$1,400,000 for Fifteen Years at a Fixed Interest Rate of Five Percent per Annum to Complete an Energy Efficiency/Energy Cost Savings Project for City of Wilmington Buildings and Facilities and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2167 passed as read.

Councilwoman Mongold: The next item tonight is an ordinance establishing a new fund, Honeywell Project.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4869 passed as read.

Paul Hunter: Mr. President. Maybe I misunderstand, I thought we needed six to do an emergency – six “yes” votes.

President Ertel: The difference is between a resolution and an ordinance. For an ordinance that is true; for a resolution that is not true.

Paul Hunter: We have an emergency resolution?

Mayor Raizk: The super-majority is for the suspension of the rules; not the emergency. There are two separate things, and with the resolution it does not take the super-majority, where it does an ordinance.

Councilwoman Mongold: We have an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4870 passed as read.

Councilwoman Mongold: The next item is an ordinance making supplemental appropriations.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4871 passed as read.

Councilwoman Mongold: The last item tonight is a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax

levies and certifying them to the County Auditor. This is a yearly process to certify our levies with the county.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2168 passed as read.

President Ertel: Anything else?

Councilwoman Mongold: No, thank you.

President Ertel: Thank you very much. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: We have one item, Mr. President. Our convener is not here this evening, so I will take her role. We have found some money in the Local Transportation Improvement Fund and we would like to request the mayor apply for these funds to do some improvements on Prairie Avenue. We all know we have needed curbs and sidewalks out there for a long time. If council could pass this in three readings, we could get those done.

Larry Reinsmith: I would like to address a couple of things on that. The part we are talking about really begins just past Timbertech. In years past, that was outside the city. That area was annexed in and it reduces down to about 10-foot lanes once it gets beyond that point, without curb and gutter. This project, if we can get it funded, would widen that roadway and it would extend out to basically where the incline begins at the overpass – at the bypass. It puts curb and gutter and makes it 12-foot lanes, with a drop-off lane onto Lowes Drive. Then, we would construct an 8-foot combination sidewalk/bikeway from Lowes Drive to come down and meet where the existing sidewalk is. It is a real safety issue. We have mothers out there with strollers. We have elderly people with scooters out there. I can see that once that bypass gets built and it is rather high, people are going to come flying over there and we certainly don't want people walking there. The problem is that the county only has so much money in its funding round. There are two good projects that are ahead of us – one is in Blanchester and one is in Sabina. They are sewer projects. They have some additional points because they are both under findings and orders with the EPA. This is a good project. It scored well, so we want to at least go ahead and submit it and maybe the district might go a little generous and fund this project too. They seemed to take a lot of money during the last round, so they might let us have some more money this round. All we can do is try to get the funding. This was put together fairly quickly.

A motion was made by Wallace and seconded by Wells to give the first reading only on a resolution Authorizing the Mayor to Apply to the Ohio Public Works Commission for LTIP Funds for \$269,725 for the Prairie Road Reconstruction Project and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

[There was a brief discussion regarding the amount requested. Larry Reinsmith verified that the amount in the ordinance (\$269,725) was the correct amount.]

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2169 passed as read.

Councilman Wallace: That is all I have.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda this evening; however, everybody should have received a Second Quarter Recycle Report and part of the third quarter is also listed on the back. Are there any questions? That is all I have, Mr. President.

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: Nothing, Mr. President.

President Ertel: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: We have three items, Mr. President. The first one is the second reading on a resolution authorizing the submittal of a proposal with the Ohio Department of Transportation for a grant through the US DOT Federal Transit Administration, all referring the Wilmington Transit Authority.

A motion was made by Popp and seconded by Mongold to give the second reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the US DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Funds Available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled Transit Fare Assistance Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Councilwoman Popp: Our second item is the second reading on a resolution authorizing the execution of the a contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and declaring an emergency.

A motion was made by Popp and seconded by McKay to give the second reading only on a resolution Authorizing the Execution of a Contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Councilwoman Popp: We have the first reading on a resolution adopting a City of Wilmington mini revolving loan fund to provide loans for...

[Transcription Interrupted.][END OF TAPE]

A motion was made by Popp and seconded by Mongold to give the first reading only on a resolution Adopting a City of Wilmington Mini Revolving Loan Fund.

Motion passed

Director of Law read resolution by title only.

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

Councilwoman Popp: That is all, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: We have just one item tonight, Mr. President. We are going to do the first reading on an ordinance dealing with dangerous animals and exotic wild animals. At our next meeting, we will have a specialist in to discuss the ordinance and the things that are going on. For those who are not aware, we had some real issues pop up at an apartment in the community just recently where we had 17 exotic wild, some poisonous animals, in a very small apartment. Upon discovering that, when we went to review our ordinances, we found that we were lacking and not up to date in regards to that. We want to make sure that we are protecting our service departments, police, fire and so forth. The last thing we want to do is respond to an emergency and find that we have everything from poisonous snakes to monitor lizards and king scorpions and boas and many other wonderful animals. The really nice thing I like about this ordinance is that it takes a hard look at dangerous species, to anything that is on the endangered species list in the State of the Ohio, to the United States or the world, will be banned for owning inside the city limits. That will help us keep these under control out there.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Rescinding Codified Ordinances §507.01 and §§507.03-06; Amending §507.02 and Adopting New Codified Ordinances in Chapter 507 Regarding the Keeping, Possessing, Harboring, Maintaining, Custody or Control of Exotic, Wild and Vicious Animals in the City of Wilmington.

Councilman Wallace: Can I ask a question?

President Ertel: Certainly.

Councilman Wallace: Define harboring or maintaining.

Councilman Jaehnig: I think that is a good question for our specialists.

Councilman Wallace: I notice that some of the new animals that it lists on here are deer. We just went through this thing about people not feeding the deer. I think that it is interesting that deer are listed in this particular ordinance that we are passing. So, I guess the point that I am making, is do we [inaudible for transcription] if people are feeding the deer.

Councilman Jaehnig: That is something that we specifically discussed in the committee meeting this week in regard to that. Most of your national parks and state parks have laws in place forbidding the feeding of the wild animals, specifically for those purposes.

Mayor Raizk: I think it would fall into harboring.

Councilman Wells: I would like to say something. We did not talk about feeding deer while we were talking about this ordinance. We talked about feeding deer when we discussed the deer problem in the city, which was the second item on the agenda.

Councilman Jaehnig: Actually, Don, that is not correct. We did discuss...

Councilman Wells: I would like to have a copy of the tape, then.

Councilman Jaehnig: That's perfectly fine. We're only doing the first reading tonight and we will have a specialist in next week, but one of the things that was discussed was different measures that would be taken. Most of our parks in the country and the state have laws in regards to feeding wild animals to prevent the over-familiarity with humans.

Councilman Wells: We didn't talk about feeding deer in the exotic and wild animal ordinance.

Scott Kirchner: Is it the intent of the city to start ticketing people found feeding deer?

Councilman Jaehnig: No.

Clerk Laura Curliss: It is about controlling...

Paul Hunter: [Inaudible for transcription] exotic animals. Deer aren't part of that. They are a separate thing.

Councilman Wells: If a deer comes onto my property and eats a hosta, I don't see how I can be prosecuted.

Councilman Wallace: We were talking about putting out a salt lick and putting out food.

Councilman Wells: But that was in the deer ordinance that we were talking about. Second on the agenda.

Paul Hunter: You don't own the deer. You own an exotic animal. It is a different thing.

Law Director Hapner: Before I read it, I want to say that I am very glad we are banning wolverine.

[Laughter]

President Ertel: Well spoken by a Buckeye.

Mayor Raizk: The monitor lizards...the whole concept is that they bite you and then they just stay there until you die. They watch you. Are you dead yet?

President Ertel: We have a motion and a second. All in favor, signify by saying "Yea."

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: That is all I have, Mr. President.

President Ertel: Thank you.

Scott Kirchner: Mr. President. For the record, are gators also banned?

[Laughter]

President Ertel: They could be. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Jaehnig and seconded by McKay to approve the Auditor-Treasurer's Report – August 2009 as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

Paul Hunter: Paul Hunter. 200 Randolph Street. At the last meeting I asked the mayor to look into the spreadsheet for the code enforcement. Did you have any luck with that?

Mayor Raizk: We are looking at it and trying to come up with some kind of report.

Paul Hunter: I have a copy of the old one if you want it.

Mayor Raizk: We have that. It is a little bit different format than we were using before, so we are looking into.

Paul Hunter: It is better than a file cabinet full of that stuff.

Mayor Raizk: We are looking at coming up with a report. We are trying to design something.

Paul Hunter: Do you have a timeframe, more or less?

Mayor Raizk: As soon as we can.

President Ertel: Anyone else?

Councilman Wells: Mr. President. On the table tonight is a paper. The Clinton County Youth Council is having a disc golf tournament on September 26 with a tee time starting at 10 am. If anybody is interested in disc golf, please take one of these and sign up. Thank you.

Mayor Raizk: Since we get to talk about golf tournaments...this is a function of the Elks Club that has been called the Mayor's Tournament for many years. Everybody has a good time. It is for men and women, so if anybody would like to play...the proceeds are always given to a local charity. Last year it was the homeless shelter. I don't know who the Elks have selected this year, but the proceeds do go to that. There is lunch at a very reasonable cost. We usually have a lot of fun. It is going to be October 4 at 10 am, so if you are interested, sign up at the Elks Club and they will get you a foursome lined up if you don't have one. It is a shotgun start at 10:00.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, October 1, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

President of Council – Fred Ertel: I'm so glad to see so many people here tonight. This is very good. We're glad to have you all here. If you have any questions about we do business, just raise your hand and we'll explain to you, because it does go fairly quickly and so on and so forth.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the last regular meeting, September 17, as received.

Motion passed.

Minutes approved as received.

President Ertel opened a public hearing on the City of Wilmington's Application to ODOT for a Grant Through the US DOT Federal Transit Administration (FTA), as Authorized under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Funds Available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled Transit Fare Assistance for Grants for Public Transit Assistance and the Elderly and Disabled Transit Fare Assistance Program.

President Ertel: Phil, would you like to speak to that?

Director of Transportation, Phil Floyd: Absolutely. Thank you Mr. President. My name is Phil Floyd. I am Director of Transportation for the City of Wilmington. This presentation is part of a requirement each year when we send our proposal for grant money to operate our transportation system. We submitted our 2010 grant proposal on August 31, 2009. The process was slightly different this year, requiring additional data, specifically regarding the vehicle maintenance category, which will allow for continuation of the vehicle maintenance funds portion of our budget to utilize from the AARA fund, meaning Wilmington's share for that portion of the overall operating budget will be 10% instead of the typical 20%. That portion is \$171,187 as presented on the proposal. Within the 2010 grant proposal, we are requesting operating funds plus capital funds to replace one LTN, which is a light transit vehicle, narrow body, which is a wheelchair-accessible van. We are required by the Federal Transit Administration to have half of our fleet wheelchair-accessible. Presently, we have a fleet of 17 vehicles. Eight of them are the larger LTN vans, with electric wheelchair lifts. One of the 17 is considered a backup. For 2010, we are requesting funds to purchase a smaller, modified minivan with the wheelchair ramp versus the electric lift. The smaller vehicle will provide the same accessibility, but will do much better on gas mileage. We will be responsible for only 10% of the purchase price, which will amount to \$3,524. The total operating budget submitted to the state is slightly lower than last years'. The total grant request for 2009 was \$1,441,124. The new proposed budget submitted to the state is \$1,400,548, given the ridership numbers that we provided, which is projected to up to 140,000 by the end of this year. That is up about 8% from 2008. Projected numbers also for 2010, we are hopeful that we will receive the amount that we are requesting, which for federal assistance is \$657,380, leaving a local share of only \$253,247 for operating. Again, capital expenditures for the city should only be \$3,524 toward the replacement of the one vehicle. This year, 2009, we requested and received \$605,562, so, you see, we are up about \$55,000 that we are requesting from this year's fund. We have already received notice of approval for us to receive an Elderly and Disabled Program Fund, \$61,895, which is up from last year – up \$53,468. That figure is based on ridership of elderly and disabled, which was up and that is why the increased funds. State funds,

which are the third part of the grant monies we receive or ask to receive. This year this was \$153,847, but we are told by the Department of Transportation that it will likely be less this year. We have been informed of that probability but have not received confirmation. We are estimated, based on ODOT's grant application formula, that we should receive about \$141,535. Federal allocations will be determined sometime in mid-November after the grant proposal receives its final review. Data from 2008 and through the third quarter of this year will be analyzed to make the final determination of allocation of funds, which is primarily based on performance, and our performance indicators continue to exceed the national averages, so we are optimistic that we will receive the funds that we are requesting. To capsize, the total budget proposed to the state is \$1,458,000. If we calculate the revenue, which includes farebox (the amounts we charge individuals for riding), contract fees, requested federal transit funds, state funds, and the E&D funds, that leaves the amount, including the capital funds, \$266,771. Are there any questions? Thank you very much.

President Ertel closed the public hearing.

President Ertel: Thank you very much. We appreciate it. At this point in time, I would like to have a presentation by Tim Harrison regarding the exotic animals proposed ordinance changes for Wilmington. Question before you start. How many people here are interested in the exotic animals? I assume a few of you would probably like to speak. Does that sound about right? What we can do after Tim has his presentation, each one of you will be allowed five minutes to present. Please, do not go over what someone else has already presented, please. Come to the microphone and state your name and address for the record because everything that goes on here is recorded and then included in written form as part of state law.

Tim Harrison: Ladies and gentlemen, I was invited to come to the City of Wilmington because we are going to show you here...I have helped with the City of Cleveland and the City of Dayton to help clean up and get some exotic animal laws passed. I am considered an expert in catching exotic animals across the United States of America. My name is Tim Harrison. I am a police officer, firefighter and paramedic for the City of Oakwood. I work for Homeland Security, which I am an instructor out at Disaster City at Texas A&M, and we also started up within this last few months how to get the exotic animals out of locations. Just like you saw in the fire in California, we had to move a bunch of chimpanzees, 175 chimpanzees from [inaudible for transcription] facility to the Los Angeles Zoo. It is a very, very tumultuous thing to try to move exotic animals, especially in a disaster situation, like a hurricane and tornado. In Galveston, when they had Hurricane Ike last year, we had an African lion that was actually stuck in a church. It kept everyone out of the church where they were supposed to be safe. We also had two tigers running free, along with some pythons and also some venomous snakes. So we had Texas Task Force One, which is who I work with out there, and they are behind us 100% of what I do. The FOP (Fraternal Order of Police) was behind me, since they don't want to go in. They are the ones who get called in all of the time to take care of these animals. As you remember at the San Francisco Zoo, it wasn't the zoo people, it was the police who had to come in and take care of that. Also, the International Firefighter Federation is backing us, as well as Homeland Security. They want to keep these exotic animals out of people's homes. The bigger ones, the dangerous ones, the ones that could cause some problems or give police officers and firefighters a problem. That is basically what I am here for. I am here to protect children, I'm here to protect the public safety officers, public safety, and the animals themselves. I am handing you this handout real quick before I showed the presentation. On the front, I was Environmental Educator of the year – and that is all by college professors and schoolteachers in the State of Ohio, and that was from the educational programs I do. I go out and try to teach to leave these things in the wild, or if you are going to have them, take good care of them and get some information. Among people that are here, I appreciate the Cincinnati Herpetological Society because they do educate people about snakes. I will say that up front. They are passionate about what they do, and I do appreciate them. As you pass through there, you will see this is stuff that has happened within in the last five years that you are seeing here. The six tigers you will see for sale at a Wal-Mart parking lot in Texas – I was there. A woman was selling three white tigers and three orange tigers in a van to some Mexican nationals. They were going to take them across the border. That was stopped.

As you can see, one of the most aggressive deaths we have had in the area was Ted Dres, who happened to be a friend of mine. He was from the Bass Pro Shops – he sponsored me. I told him to never handle his python by himself. He was constricted to death in Cincinnati. It was a sad situation. The Virginia Beach woman was a really sad one too. If you look through these yourselves [inaudible for transcription] and the Trading Post classified ads. We don't put that up there. We put this there for you. As you can see in your own Trading Post classified ads right here, Middletown/Cincinnati/Dayton area, you can get yourselves water buffalos, Egyptian cobras, rhinoceros vipers (the same that killed the Dayton fireman that I had to go in and risk my life to get that snake out, and you are going to see one of me risking my life here in the minute to get one four and six year old boys found in the garage, a Gaboon viper), eastern diamondbacks, lots of monkeys, lots of Gaboon vipers. In fact, the gentleman here from Middletown that sold these Gaboon vipers for \$75 said he sold 45 in the area. It is kind of scary. We did get one out, so I don't know. Being a police officer/firefighter, when you have a house on fire, you don't want to race into a bunch of venomous snakes. We actually burned a house down in Dayton, Ohio, because it had venomous snakes in it. They wouldn't go in. I don't blame firefighters for doing it. Everybody can talk about training them...we can't even get training right now, trust me, on EMT stuff. We can't get enough financing, as you guys know, to even send us off to be trained half of the time, let alone have someone come in and teach us how to catch a cougar, like I caught in downtown Dayton. We'll talk about that in a minute. Let's get going here so we don't get over our 15 minute period here.

Tim Harrison: The organization we started was Outreach for Animals. We started this organization because it had to be started, because there was nothing out there telling people to just leave them alone – just leave them in the wild. So, we had to start this organization. First of all, there was the City of Cleveland. I was asked to come up there because they had two years of a battle in trying to get some laws passed. They had a gentleman with tons of cobras in his apartment in downtown Cleveland. The reason he was telling people was that he was raising these cobras so he could do venom research. Well, my brother is a venom researcher, and there are only four of them that I know of, and he definitely was not one. He was selling them on the internet, which you guys get on kingsnake.com and you can order yourself a venomous snake. It will come down to Delta or it will come right to your house within 24 hours. We demonstrate that on the new movie that I have out called the *Elephant in the Living Room*. It shows you how quickly these snakes will come to your residence. Also, in Dayton, Ohio, I had to be brought in because we did lose Michael Peterman, a firefighter, who was bitten by a rhino viper like what you saw in the Trading Post classified ad. He was bitten by one and was killed in his own home. I had to go in and get that snake out.

Tim Harrison: This is the typical python call that I am called out with, and this is my self walking up. If you watch National Geographic, Animal Planet or *Inside Edition*, you will see me every once in a while. You will see you come up. This is a restaurant in downtown Dayton. This is about a 14-15 foot Burmese python. Nobody was going in to eat that day, and there is the manager. She couldn't understand why nobody was going in to eat that day. We have never had one person raise their arm and say, "Can I have that python back?" "Can I have my cougar back?" Nobody ever. That is what the scary part about this is. Most of these animals, the Humane Society [inaudible for translation] stated that we have to put these down by the hundreds each year because nobody is taking them in. There is not enough room in the inn for them. That is a pretty good-sized snake.

The next one we are going to go here to. This is a Burmese python. The reason I was called in, because we do have people in the area who do have these snakes. This is a pretty well-known picture. This is a Burmese python. Look at the teeth on him right here. He bites that electric fence. This shows you the teeth, because you usually don't get to see these teeth. People will tell you they don't have fang-like teeth. Well, just ask the woman in Virginia Beach. She was constricted to death by one of these snakes. Once they grab you with teeth this size, in these two rows in here, it is very hard to get away from one of these animals once they get a hold of you. If you don't have experience like my colleagues here, you aren't going to get away. That is what happened to Ted Dres as two police officers tried to pull the snake off of him. I was in Aurora, Colorado, where a

young man was being killed. We have that 9-1-1 call. His girlfriend said, “Blood is coming out of his mouth and I can’t do anything.” Two officers on National Geographic with me, they tried to tame it. They tried to tame the one, as you guys know, in Batavia. They tried to tame it and it didn’t work. You know, you can stab them sometimes and they constrict more. Now, I am not a snake expert, but I am an expert at catching these things. As you will know if you get both of my books. I am an author of two books. The last one was up for Book of the Year by Forward Magazine in New York City.

Tim Harrison: This is what we have to prevent children from being around. This is just a bunch of deaths. “Death by Python Puts Father on Trial.” Eight-year-old. We helped them with this manslaughter charge in Pittsburgh. Because it is a deadly animal loose in your house. You can lay a gun down and it is the same principle to me. If you lay a gun down and leave it in your house, you know that is a bad thing. You shouldn’t leave it around an 8-year-old. This is bad. This is where we are having a problem with some people out there. They are not paying attention and they are not cleaning up their act. We got this out of Columbus. This is from the Humane Society. “Missing Dog Turns up in Snake’s Belly.” We get quite a few of those calls every once in a while, where they are sunning their snake. We had that here about 5-6 years ago right here in Wilmington when I got that huge boa constrictor back there, about a 7-footer, behind the apartment building back there. Ask your law enforcement. That was a good-sized boa constrictor.

Tim Harrison: Now this is a Gaboon viper. You see the fangs on this snake here. That is myself in my police outfit. This rescue here happened because a four and six year old boys – if you want the footage, it is on a show called *Snake Bite* on the National Geographic Channel. We can send you the actual footage. We found this snake in a garage on the east side of Dayton, Ohio. They put it around their neck. They walked around with it. Nobody knew. They thought it was like a python. It is a really pretty snake. They are very beautiful snakes. He was walking around with it. A neighbor person saw this snake and thought it was a baby python, too. He was supposed to be a naturalist, which scared me even more. That tell you... we caught a forest cobra out in the yard—myself and the Dayton Fire Department – a guy was mowing the grass and this guy’s forest cobra got loose. We took it and stuck it in an aquarium next to a black racer. We had just regular people walk in and asked “Which one is the cobra?” Unless it puffs up or does something, you don’t know the difference. The cobra doesn’t bite you when it is puffed up. That is not how they hunt. They don’t puff up and go “Hssss, I’m going to the woods now looking for a rat. Here I am.” They usually puff up to tell you to back off and leave them alone. I have had a live cobra, as you will see here in minute. This is a Gaboon’s fangs here. This is the actual snake we got. They have the world’s longest fangs. Now, I don’t know about you guys, but I don’t want four and six-year-old boys finding this in a garage. As you can see, they are for sale right now. You can get them off of the internet. There are people who know what they are doing with these animals, but they aren’t the ones I’m worried about. It is the people who don’t – who watch these national TV shows. I have been doing this for 34 years. I worked for a veterinarian, Dr. Thomas Berg, who was a veterinarian that worked with zoos. I was sixteen. He took us out on 4-5 calls a year – maybe a bear or a python. When reality TV started up, everybody wanted an alligator. Everybody wanted a snake. Everybody did, just because they are imitating what they see on TV.

Tim Harrison: Now, here is one of our cobra calls. This is my brother Jim. He is the biggest proponent against me, because he likes to sell cobras to people – my brother does. I don’t like to sell cobras to people, because we have to go do this. I want to watch what you are seeing here, because these police officers... this woman stepped out of her van and onto to a cobra in her garage on [inaudible for transcription] Drive in Dayton, Ohio. She screamed, ran into the house and told her husband there is a cobra in the garage. He grabs the stick and goes up and thinks it is going to be a black rat snake. He pokes it, and it is a cobra. Here comes the scary part. Look. Still. They are trying to keep it in the garage. You can ask my brother. It took them three hours. They called the zoo. They called the “experts.” Nobody showed up. They finally got in contact with my brother and I. This is what these officers had to do. This is a deadly animal. No matter what anybody tells you, it is neurotoxic. There aren’t many doctors around here that might even know what to do, maybe two in the Dayton area. There is only one in Cincinnati, Dr. Otten, that can actually help you. What happens if he is on vacation? My

brother is the only one who has.... Look at the crowd that gets around. That is my brother, who is the number one venom researcher in the United States of America. He is one of the top guys with reptiles. He has the Kentucky Reptile Venom Lab. He will tell you, I have brought many venomous snakes down to him to catch. Many. This is an Indian cobra. People were finding their dogs and cats dead around that neighborhood. My brother will verify that. Weeks before that. Luckily, a child didn't get bit – one of these days. These animals don't want to bite you, but if you stumble upon it... What have they trained you on TV? Every child will pick a snake up by its tail now, because that is what they have been taught by Steve Irwin and the rest of the TV shows. I want you to take a look at this poor cop's face. Three hours these cops had to keep this snake in there, until my brother and I were contacted. That is a happy cop. That is what I look at. I have never met you guys before. I would love you to have come out and help me. Man, I get tons of calls, but nobody shows up, except me.

Tim Harrison: Now, we are going to talk about the rhino viper that killed Michael Peterman. There is Tim Harrison's name again. Tim Harrison's name is down here, where I worked down in Cincinnati with Alexandria Hall. These two deaths here shook me up. Michael Peterman I knew very well. He was a Dayton fireman, and he helped me with python calls. He was at Station 1 and Station 15. He was bitten by his own rhino viper in his house. I didn't know he had a venomous snake. He had a bunch of venomous snakes. When I went to get that snake, it was still loose. He just had a bad experience. We can't go into exactly what killed him, but he ended up having a very bad experience and he died. The sad part about that is, Alexandria Hall, right over here, got an urutu. When I do critical care thinking seminars for emergency room doctors at Wright State University (I just did two this year), I ask them, "Docs, you guys know what an urutu is, right?" What happened to the doctor who took care of her? You guys remember, right? They sent her home, didn't they? They sent her home and she bled out internally on her bed and she was found dead the next day by her daughter. So, let's understand, it is not the doctor's fault. They don't have to know this stuff, right. They have enough to worry about. Except this. They don't keep antivenin in the hospitals. They may keep some Crofab, which is synthetic, but they don't keep antivenin, because that is an experimental drug. You have to order it from my brother's zoo or get the University of Cincinnati to send it up to you. We know this for a fact because I do it. The sad part about it is, we don't need these deaths. We don't need any of this. She ordered the snake, too. She had it sent to her house.

Tim Harrison: This is where I get the big cats. The snakes are scary. But, I'm not as scared of the snakes as I am with the big cats. The big cats are out of control. I knew you had a lion problem here. I hate to say "lion problem" in Wilmington. It is kind of weird, no? It should be Africa that you have a lion problem, not Wilmington, Ohio. You are going to see when the movie comes out that we have lots of African lions, lots of tigers and lots of big cats in the Ohio area. This guy right here is an 80-pound cougar that is running loose in downtown Dayton, Ohio. It is funny. If you every watch shows like *Monster Quest*, they always show these women who take a picture or something in their backyard and they say it is a cougar and everybody says it baloney. Right? This happened, except, the Dayton police and the Dayton firefighters say, "No, this is real, because Tim has been taking tigers off of the street." "This may be real." Leopards off of the street. You saw one of the leopards that officers had to shoot in [inaudible for transcription] right here. I ended up getting over there, and the cougar took off after one of the Dayton officers. This was three weeks later. This cougar came out of nowhere and started attacking people. It was scared. So, I ended up having to catch it with a dog snare (it's not drugged), grab it by its tail, and drag it out. It was a very dangerous situation. I had one of the Dayton officers hook the back foot, as we will see with this next picture, with another dog snare, because he was trying to tear my hand off with his back feet. As you can see, that cougar peed all over me, and I felt like doing the exact same thing.

Tim Harrison: That is why I am here. That is why I write the books. That is why I am here. I don't want to see another child....I don't want to see another adult....I don't want to see another animal put down. I don't want to see another python frozen to death or put down [inaudible for transcription]. I want to make sure that these animals are taken care of by people who know what they are doing. I don't want to see them in the city limits – anywhere. Take it from a guy who trains disasters. In fact, I am in the process now with

my partner, we are going to train with the Humane Society on the 13th, 14th, and 15th to be special investigators for the National Humane Society. We are going to start up a rescue team that is going to go in when we have a national disaster to take these animals out, because they consider me a national expert on how to remove these animals. I would love to get you information because you guys can help us with this. Because, when we do have a tornado, we are going to come to you guys. We will need your assistance. The big cats – eight to nine a year I get in just the tri-state area. I have a leopard in Los Angeles that I'm trying to get out now. I have chimpanzees, which we will talk about in a minute. Lots of chimpanzees. This is what I do. This is *Inside Edition*. You told me there is no problem in Ohio? This little boy here. We will talk about this here. We pulled two stories out about big cats just that year – just that year, guys. This guy got his arm ripped off by a neighbor's tiger. He went over to pet the neighbor's tiger through the fence, just like here in Wilmington with the lion, he reached over and had his arm ripped off. He got his arm put back on. The sad thing about this is we had 300 stories that year of big cat injuries. We picked these two for *Inside Edition*. See where he got his arm put back on? The next one is even scarier. This little girl was killed by her stepfather's tiger. She was brought over to see her stepfather's tiger. The tiger jumped over the stepfather, landed on her, broke her neck. It didn't mean too. It is just a big animal. It just jumped on top of her.

Tim Harrison: This is *Inside Edition*. We are going into an exotic animal auction in Mount Hope, Ohio. Ohio is second only to Texas in the sale of dangerous exotic animals. It is a \$13.5 billion a year industry. Check the New York Times. Here you go, ladies and gentlemen. Everything from cougars to foxes to snakes. You will see snakes here in a minute. Black panthers. You will see them again here in a minute. We actually closed the zoo down. There are huge snake. Venomous snakes. Anything you want. Kangaroos, three-toed sloths, hyenas, monkeys, anything you want is sold up there. I want you to look at the crowd. There are cougar cubs. And you keep saying there are no cougars loose in the area? Ladies and gentlemen, there are hundreds of them sold up here. Where are they going? Hundreds. I will show you the Animals Finders Guide. This is one of the black leopards I took off of the streets of Dayton. That is what that little leopard is going to look like when she grows up. There she is, smelling them, and she is from a zoo. They are zoo babies. You are going to see a zoo that got closed here in a minute. It is called the Riverdale Zoological Park. The sad part about it is this cop here in Oakwood has to do this because the organizations are not doing it. They are not policing themselves. So, I come into this place to find out what is going on. I bring *Inside Edition* in. As fast as they could bring these animals out, as you can see the massive crowd up there, they are auctioned off so fast that it spins your head. It just spins you head. Especially the primates. That is the zoo we closed. As you can see, on our papers it says "Dangerous." Don't have these animals. Danger." They sell them to whoever wants to buy them, and that is why they were closed down.

Tim Harrison: Now, I am going to show you this picture real quick. This is Mo the Chimp that I helped out with in Los Angeles. I want you to see the teeth. Okay, we are saying this because people say, "It's Ohio. We don't have chimps." Well, we have five in the area. The biggest one being the guy you got your picture with right there in Centerville, riding the motorcycle. That's Clyde. When they went in to get his owner out of the house, they had to call me to come and get Clyde out of the way, because Clyde is going crazy because his owner is sick; he had a stroke. Clyde is bigger than this guy, as you can see on the motorcycle. He is bigger than this guy. This guy here is one of the guys who helped tear off his owner's face. Do you remember St. James Davis who got his face ripped off, his testicles, his calves, everything was ripped off by those chimps out in California. You can tell by his teeth that he can do some damage. Primates are extremely dangerous. This is the typical 9-1-1 call for me.

[Playing of 9-1-1 tape regarding chimp of attack]

Tim Harrison (over recording of 9-1-1 tape): Did you hear that? She's dead. She has no face. She has no fingers. The same as St. James Davis. There is no face, there are no fingers, no testicles, no penis, no nothing. There is nothing. There are three other incidences like this in North America. Guess who gets to go on these calls, ladies and gentlemen. It's not the [inaudible for transcription], it's not the Big Cat Association, it's

not the Primate Association. It's the po-po. It's the fire department. You are going to hear that the fire department pulls up and they have to sit on the engine with the paramedics and watch her get eaten, because they can't get out. Listen to her. They can't get out with the medic, because this chimp is going to kill them. They have to wait until the po-po pulls up, the police pulls up, and this chimp rips the car door open, (because I know the guy, we interviewed him), he takes the gun and shoots it as it rips the car door open. This is what we are up against. I say, there are five chimps in this area, and there are lots of primates, which we are very surprised about. There are lots and lots of primates. They are just as bad, baboons and things of that nature. Wait until you see the movie comes out, *The Elephant in the Living Room*, it will show you people selling baboons up here faster. They have huge canines – bigger than a leopard. I'm going to turn this off here. It makes me disgusted. It goes on for quite a while. We're still waiting for the cop to show up.

[Turns off 9-1-1 recording]

Tim Harrison: Now, if we knew you guys were going to be here, we would brought the 9-1-1 call for Ted Dres and the 9-1-1 call from the lady Virginia Beach, because you ain't heard anybody screaming like you heard the girl out in Colorado, "My boyfriend. There's blood coming out of his mouth. He's being constricted by his boa." She was wrong – it was a python – but he was being constricted. You should hear those law officers. We will get that information and we will actually get you the tape, and you will listen to those cops, "I can't get the damn thing off. I can't get it off." These cops live in this horror for the rest of their lives watching somebody die in front of them from an exotic snake or a chimp or a tiger biting some little boy's arm off. We don't need this. I am very passionate about it because my brother and sister police officers and firefighters are the ones that have to do this. Now that I work for Homeland Security, go on a hurricane sometime and see these things just running wild. You have heard about it with Hurricane Ike and you heard about it with Katrina. They were running wild. I mean all of the animals were running wild. There was a polar bear running from the zoo, if you remember. We have to be very careful about what we do. The zoos are having a hard enough time keeping them in their cages, as we learned in San Francisco when the tiger got out and killed that kid. We have to be very careful what we bring in our neighborhoods. Do you have the weapons here to take care of a chimpanzee? Do you have the weapons here to take care of a tiger? I don't think you do. How many dart rifles do you have? When you dart one these animals, it could take up to 12-15 minutes for it to take effect. Now you have a drug-crazy animal. I darted an African lion in Moraine one time. It was laying the grass. I thought it was asleep. I went up with my dog snare. Right when I got close to him, some leaves blew by his face. You have to remember, these are the same drugs that the drug dealers use on the street that magnify colors and stuff. Leaves blew by that thing's face and it went totally ballistic and tore into a metal trash can right next to us. I think my brother may have been with me at that time. It just ripped that trashcan to pieces. Of course, I ran, which you are not supposed to do with a predator, but I still ran.

Tim Harrison: The thing is, ladies and gentlemen, just because you have seen Animal Planet and National Geographic, that is not how they act. These animals have natural instincts that you never know what is going to happen. For me, the best policy to have is to not have them in the city limits. That is the best policy. If some of these experts out here want to have these items. If they want a permit system outside the city, that is fine. We just ran a guy out of New Carlisle that was walking a cougar downtown. They lose context of reality. If you don't have something, they lose context of reality. They start walking the street. Just like down in the Oregon district, a guy with a boa constrictor around his neck, and a little boy went up to pet the snake and got bit on the hand – savagely bit on the hand – and had to go to the emergency room with Dr. Roger Pacholka, who works six months in Africa and six months here. He doesn't see deadly snake bites in Africa. He sees deadly snakebites in Ohio as an emergency room doctor. That's sad. He sits there and tells me, anytime someone is walking down the street with a large predator, it could be on a leash or it could be around his neck, there is something wrong here, ladies and gentlemen. Just think of the legality if you don't do something. Now that you have been told. You may have other groups get up and tell you that there is nothing wrong with a python. You may have someone say chimpanzees are

wonderful. Just listen to this woman – it is the same voice as the woman in Aurora, Colorado, with her boyfriend being constricted to death – the same voice as the person who was screaming as her son got his arm ripped off. It is the same voice. It is the same shrieking, “Kill it! Kill it! Kill it!” And they loved those animals just yesterday. “It’s turned on me.” These animals do not turn on you. These animals just go natural. Tigers don’t turn. They are tigers. They go instinct. That is it.

Tim Harrison: One last thing. I will let you go here and my colleagues can come up and speak. I want you to remember one thing. They always use the term, more people die from beestings a year. More people die from dogs a year. I want you to try to remember the last person who died from a dog attack in our area. I don’t remember, and I’m a policeman/paramedic. The last one I remember of anybody dying from a dog attack in the Dayton area was the doctor back in 1979 when two pit bulls yanked him off of a car. I know that because I was a paramedic, and they ripped him to shreds. Now start thinking about how many people died in our area from pythons. How many people have died in this area – we lost a little boy from a wolf in Hamilton County years ago. Start thinking for a second...wait a minute...how many people have to die before we can say, “Hmmm, we might want to do something differently.” We might want to just protect people or at least educate the people, because right now, if you are watching the TV shows, they are not educating you. This group educates. The TV shows are not educating. They know exactly what they are doing. They are not the ones I’m worried about. This one right here. That is what I am worried about. Why does this lady have a 200-pound chimpanzee in her house and the city allowed her to drive it around town in a convertible. Do we have any common sense left. We watch too much Animal Planet, don’t we? They are just toys. “They won’t do nothing. Come on...that’s just Bobby and his python.” Right? “That’s just Eddy and his rattlesnake.” “That’s just Debbie and her chimp.” Then, we have these disastrous situations happen.

Tim Harrison: So, if you need anything, I left you my brochures up here also here. Like I said, I am not an animal expert, but I am an expert in catching these things. Hopefully, if the law is passed, we can work on it and we can make sure that we get something safe for your community. I was born here. Both of my books were published here. This is my area, and I appreciate you inviting me, Laura, because I do love this area. Thank you very much. If you have any questions, I would be more than happy to answer them for you.

[Applause]

President Ertel: Thank you so much. Okay, is there anyone wishing to address this topic? Certainly. Come to the podium and state your name and address for the record, and you have five minutes.

Matthew Filey: Thank you, sir. My name is Matthew Filey. I am a resident of Amelia, Ohio. My address is 33 Eastridge in Amelia. I am very familiar with Wilmington. My sister just graduated from Wilmington College. I, myself, and a lot of the people that I have brought with me are members of the Greater Cincinnati Herpetological Society. We have been around for over 30 years. We are one of the largest and most respected Herp Societies in the United States. Our members consist of Tim’s brother, Jim Harrison, who is a zookeeper. We also have zookeepers from the Cincinnati Zoo as well as academics as well as the private keepers. Basically, the reason that we’re here is because we want to make sure that there is no legislation that is passed out of people just having misinformation or no information. As a society, one of our primary goals is to educate. My vice-president would like to speak in more regard to the actual law. In short, as a society, we oppose the banning of monitor lizards and tegus, the banning of boas and other constrictors. As for the venomous reptiles, our membership is split, so we are stepping aside on that issue. I do want to take the rest of my time and kind of just point out a couple of things about Tim’s program. Just a couple of ways to fill in. On kingsnake.com, yes, you can buy venomous reptiles. You can buy all reptiles, from little lizards to big lizards. Venomous reptiles cannot be shipped to your house. That is completely illegal and has not basically happened. You have to go through a Delta-verified shipper. It would be shipped to the airport and then you would have to pay a box crate charge as well as going to pickup via cargo. I know Tim had pointed out, and he is

an expert at catching animals. What we are trying to say is, here we are, let us give you information about the animals. Monitor lizards do not pose a threat, with a notable exception of the Komodo dragon, which, to the best of my knowledge, no one outside of a zoological facility will ever or has ever owned. All of the other monitor lizards really pose no serious harm risk to your emergency response personnel or the keepers or the general public, no more so than a housecat would. Now, one of the other things that I do want to take and bring up, if you are going to make this kind of law is you had the permit system in place. You just lost DHL and all of that, why go from something that – a permit that I'm not completely familiar but I would assume that there would be some cost to a permit system. That is, regardless of how little, going to bring in some revenue to cover the patrol or enforcement of that permit system. If you remove the permit system and go to an all-out ban, you are automatically saying, one, the permit system is no longer good enough, which people which actually go and got the permit show that they are responsible. If they are responsible enough to go get a permit and keep these animals legally, they are responsible enough to keep them (I don't want to use the word over again, but) responsibly – in secured, locked cages. These animals are meant to be in cages if they are not in the wild. I will say, I was filming with Animal Planet in the first week of June. They came to my house to film a couple of episodes and they used my monitor lizards and that, and you will see that program coming out early next year. They came to us as for our expertise and because we had the animals and had the knowledge to work with them safely for their program. One of the other things that he had mentioned is the Alexandria Hall case, with the urutu bite. We actually, as a society, got the phone call for that bite. The only reason I was not the person to go to that event was because I happened to be in Maine. But, as it is now, anything around Cincinnati, all 9-1-1 has my cell phone number. The Cincinnati zoo, if they have a problem, calls me. All of the Humane Societies call me. Everyone has my cell phone number, which is on me all of the time. He talks about how he gets all of these calls. Other than the Alexandria Hall case, we have not had an emergency call. Thank you.

President Ertel: Very good. Thank you. Anyone else?

Chris Bower: My name is Chris Bower. I am the vice-president of the Greater Cincinnati Herpetological Society. I live at 33 Eastridge Dr. also in Amelia, Ohio. Just a little bit from my background so you can see where I am coming from with this. I have also been the Education Co-Chair and the Hospitality Co-Chair and the Rescue Chair for the Greater Cincinnati Herpetological Society at various points. I have gotten rescue calls for large constrictors, venomous snakes and crocodylians that I have taken out of homes before. I also served as a manager of a Reptile Park in Swaziland Southern Africa for a while where I served both removing problem animals as well as providing consultants for cases where there were bites. I also do educational programs for the Cincinnati Museum Center and have worked at the Kentucky Reptile Zoo for Jim Harrison. The things that I mostly wanted to say specifically have to do with what are listed as the family Boidae, which are all the boas and pythons, as a ban for snakes. It says here on what I have no more than "three." Tim says that that has been amended to "nine." Is that correct?

Tim Harrison: Length-wise we were talking about maybe a little bit bigger.

Chris Bower: It says "three" here. You said "nine" or something to that effect, but larger than that, at any rate. Specifically, I just spoke to Jim Harrison, who is one of the foremost reptile experts in the country, if not the world, and specifically asked him what he thought these laws. He did say that there were some species he did see there being possible restrictions on, specifically what he said were the only five species of constrictor that have ever been known to kill a person and venomous species. However, there are dozens of species that fall under both Boidae that get over 3 feet or even over 9 feet that have never been responsible for a human death. When I spoke about this earlier, I would have said, Well, we don't know of that, but we can say that of basically every animal event, place or anything that has ever happened in the history of the world. We can say, "Well, we don't know if it has caused a death." There have been no reported deaths from all but five species of constricting snakes. Those species are the green anaconda, the reticulated python, the Indian python and its subspecies, the African rock python and its subspecies, and the scrub python. Those are the only constricting

snakes which have been known to cause human fatalities, but this does eliminate a number of Colubrid such as Eastern and Texas indigo snakes and cribos in the species that get over 8 feet. In the Boidae species, it eliminates dozens of species in the genus Morelia, which are carpet pythons, Boelen pythons, Papuan and olive pythons. It also eliminates one of the most common pet snakes, the boa constrictor, which has never been implicated in a human fatality in any known history. It also eliminates several medium-sized species of boidae like Dumeril boas and Madagascar ground boas, which aren't as big of an issue as the boa constrictor because they are not as common, but they still would be banned under the law, with no danger whatsoever being posed by them. One of our other issues that we did want to discuss...those that you know what they are doing are not the problem, which we would agree with. We would agree specifically that there are cases in which you could see a permit system put together for large constricting snakes and venomous snakes, sort of similar to what has recently been enacted by a number of municipalities and snakes. I'm sorry if I'm too loud.

President Ertel: No, you are doing fine.

Chris Bower: It seemed like you were rubbing your ears. Although we would not be entirely opposed to a permit in place for those species which are known to be dangerous, which are, again, those five constricting snake species I mentioned and any subspecies would be covered by that. For example, the Burmese python, which we saw a number of photos from, is a subspecies of the Indian python, which I mentioned. A permit system in place for those possibly within the city limits wouldn't be something we would be opposed to, and it has been enacted in a number of municipalities recently. It has even been enacted very recently – the state of Florida has always had a venomous snake ordinance (well not always) but for a while it has had a venomous snake ordinance and with the issues with the Burmese pythons specifically and Nile monitors recently, they have added several other species to that as a way to try and solve

TRANSCRIPTION INTERRUPTED. END OF TAPE.

Chris Bower (cont.): ...could keep these animals responsibly and could say that they had these animals. Those would also be the people who would often be called upon, as I have been called upon and as others in the society and as Tim has been called upon many times, to remove these animals from people's premises.

Cindy Peterson: I have a question. I notice that your are [inaudible for transcription].

Chris Bower: Yes.

Cindy Peterson: Do you live in the city limits?

Chris Bower: Pardon?

Mathew Filey: Yes, we do.

Cindy Peterson: You live in the city limits?

Mathew Filey: May I speak on that? We actually had to get permission for Oxford Scientific Films to come in. They discussed it with Amelia City Police. Amelia City Police actually were the people who showed up for the filming at my house. They are very aware. We have offered to train their personnel more so than they are. They already have my cell phone number. They have not made it aware to me that they are the least bit worried.

Cindy Peterson: Thank you for that clarification. In a permit system where some would be banned and others would not, where would the onus for deciding which are a banned species fall?

Chris Bower: Pardon?

Councilman Jaehnig: The issue that I am seeing here and that we have already run into is who is going to make the determination of what type of animal, snake or whatever it is? We have nobody on staff who is qualified to make those decisions. We also have no money to be hiring somebody or to train them for that to a point that they would meet legal requirements. For insurance purposes, if we permit incorrectly and something happens, we would not have any legal status.

Councilwoman Peterson: I don't think we are just talking about developing a list of can and cannot, but saying that particular one is on the list and we will verify that it matches up.

Chris Bower: First of all, obviously, any snake that was larger than whatever the size that was determined, what was suggested to us by Jim Harrison of the Kentucky Reptile Zoo would include all five of those deadly constricting species, was that those species were the ones that have been known to kill people. The way that it would be the most sensible it seems to be mean to be determined would be the animals that have been known to kill people, which are the vast majority of venomous (well not the vast majority) a good portion of venomous snakes that are known and those five species of boas and pythons.

Councilman Jaehnig: But, how do we know what it is that has just been brought in for a permit?

Councilwoman Peterson: At the mayor's office.

Councilman Jaehnig: We have no zoo. We have no trained zoological people.

Mayor Raizk: I want to make this clear right now, and I'm as serious as a heart attack...there ain't nobody bringing a snake to my office.

[Laughter]

Chris Bower: That is actually going to be discussed by our editor, Brittany, when it is her turn. That is something that she was hoping to address. She will take care of that. One other thing that I wanted to say very quickly, I know I have probably used up more than five minutes but some of it was questions, so... Both our society and myself personally in vocations have been involved in training certain... I have been involved in training game rangers in southern Africa and police officers in southern Africa for how to deal with venomous snake issues. Our society has been involved in training police officers with...what municipalities?

Matthew Filey: We have done Oak Hills. We have done Delhi and maybe one or two others. We are currently looking to do it with Amelia.

Chris Bower: ...with a number of local municipalities. We would like to extend an offer to train just how to recognize certain snakes and the certain things that would tend to identify someone who keeps venomous snakes, like certain tools that you use to work with venomous snakes, so that if you were an emergency responder who went into a home and saw those there, you would know that there was a potential issue.

President Ertel: Okay. Thank you.

Tim Harrison: I would like to make a statement on that. These are very wise individuals here. But they can tell you, there is a thing called [inaudible for transcription] snake, if you pick up any reptile magazine, you have venomous snakes. We just saw two in a reptile auction over in Hamberg, PA, two rattlesnakes that were white. We have had [inaudible for transcription] snakes that you can't even tell. People will breed them in different colors now and they are getting the [inaudible for transcription], my brother can tell you, [inaudible for transcription] and you won't know it is any different that a snake from around here. You're not going to be able to do what he is talking about when it comes to looking at a snake. You're not going to teach a police officer that that snake is

a venomous snake, because down the street the guy is raising them to be three different colors.

President Ertel: I see your point. Yes, ma'am.

Brittany Filey: My name is Brittany Filey. I live at 33 Eastridge Drive in Amelia. I am Editor of Greater Cincinnati Herpetological Society. I am also the Co-Chair for the Education Committee. Like they have mentioned, one of our huge outreaches is our education section. I talked to the other co-chair of the Education Committee and we are willing to extend to the city of the Wilmington our services, free of charge, to come in and do a program to train your paramedics, your firefighters, your police officers in how to handle those animals if they do come across them. Regardless of whether or not you place a ban on these animals, there are always people who are going to break the law, regardless. I am not condoning that. We are here to extend to you, the city, if you want. We will come up here and we will do that training free of charge because we know budgets are tight. We are not here to make money. That's not what we are. We're not here to get our name out there to do movies or books. We are here because we're a society that believes in the proper care and husbandry of these animals, and we want it to be safe, not only for the keepers but people around them and the law enforcement. That is something that we want to extend to the city of Wilmington. If you need someone. If you want someone to come up here and do the training, we are more than happy to do that. If you want help sitting down with knowledgeable individuals who know the animals that would be willing to help identify them and set up the permit system. Like Tim was saying, you're going to have different color phases of every snake, but if you have someone that you know on a first-name basis that you can call (and all of our board members have agreed to do this) if you get someone there and you're like, "Okay, I don't know what this thing is...it doesn't fit the description of something that is within our permit system," we will be more than happy to come up here. We're only 45 minutes away. We will come help you do that. What we don't want to see is for a blanket ban to go out to keep people from keeping these reptiles. We have an individual who has animals that are not dangerous (for the most part, I am not sure the extent of what he had), but it is very sad to see someone lose all privileges of keeping a reptile that isn't dangerous because there is a blanket ban out there. We just want to extend our services to you. If you do need help or if you do want someone to come up and speak to you different officers, we are more than willing to do that.

Mayor Raizk: Brittany, can I ask you a question?

Brittany Filey: Yes.

Mayor Raizk: How do you perceive the mechanics of a permit system? I mean, people can't bring their animals to city hall and say "Okay, this is what I've got. I need a permit for Joe, my pet boa." I mean, how are we going to know. First of all, I don't think it is right to transport them into a public place anyway. I'm trying to envision how a permit...other than you come up there and say, "This is what I have and I need a permit for Joe." Okay, we sell you a permit, but we don't know what Joe really is. That's the problem that I am having with the permit. How do we do that? Joe doesn't have papers. He doesn't have a driver's license. He doesn't have something that we can say, "Joe, you're a such and such. You're a boa. You're not an Indian python." I know you just said one is deadly and one isn't. I don't know the difference. Our people aren't going to know the difference. At the same time, if they go in on an emergency call, they're not going to know the difference at that point. I mean, the thing is going to be curled up in the corner. It's going to be under the car in the garage. It's going to be here or there. I mean, how do we know, "Wait a minute, that's Joe. He's not going to hurt anybody." I guess I am asking you that question. How does that work?

Brittany Filey: If it is okay, I'm going to let Chris answer that question, because he is more of an expert on that expert.

Chris Bower: Just one thing particular in terms of the permit and the way the State of Florida does it. They issue a permit to someone to keep these animals. In terms of the venomous animals, they issue a venomous animal permit to that person. That is on file

with the emergency services so they know at that house that those animals are there. It is not a per-animal permit. The permits for the large constrictors are a little bit different and for the Nile monitors it is a little bit different. Those are a per-animal permit. In terms of the venomous animals in general, it is just a permit to keep venomous animals.

Councilman Jaehnig: Let's say we issue a permit. Let's say they are actually being honest about what they have. How do we know that they are keeping them in the way they should be keeping them. We just ran into an incident in which we found 17 exotic animals in an apartment. The question is, I wouldn't know if that is acceptable or unacceptable for those animals – for the health and safety of the citizens at that particular point. Again, even if we do a permit, even if they are honest about the animals that they have, at particular point, we don't have the expertise to go in and even know whether the situation, the cages that they are in, the aquariums that they are in or whatever are acceptable for that type of animal.

Mayor Raizk: The other issue about it, and it is a bigger issue, is at what point does having a permit to own this kind of animal that is not necessarily the norm abrogate the neighbor's permit to not want to have that animal in their neighborhood. That is a bigger issue that I think the permit really raises.

Brittany Filey: Keeping that in mind, I completely understand that someone...I couldn't stand reptiles until about three years ago. Not that I couldn't stand them, I was afraid of them, because I hadn't grown up and I didn't know the facts about them. I had just been told the horror stories. If you are looking at someone who doesn't want to deal with a reptile and is living next to them – you have people who are afraid of dogs, who are afraid of pit bulls, who are afraid of these other dogs that live next to them. You are coming down to, are you stepping into someone's right to keep an animal on their own? I am not saying that they have any right to keep a large dangerous animal. I'm just saying, if that is the perspective you are going to take and you are going to say that we are impinging on this person's right to be free from the animal in their community, where does that differ from someone who is afraid of dogs or who is afraid of cats.

Mayor Raizk: It is a big difference because of the knowledge. We don't know...someone can have a permit to have a dangerous animal and the neighbor not necessarily know about it. They have to license their dog. The cat comes over and pees in their flowerbed. They know about that, but they do not necessarily have to be afraid of that animal. They might get mad. But, if they don't know, they have no knowledge of that person having a permit. Now, this person says, "Hey, I've got a permit," but they don't have any knowledge of it because they are not going to be out.

Tim Harrison: Can I make one comment regarding permits, real quick. Florida does have a permit. They were the original permit system down there. What else do they have down there? They have the first anti-venom bank in the United States of the America. It was made because of these permits. They had to build an anti-venom bank down there for exotic snakes – not the ones from Florida. They had so many bites down there. So, if you want to occur, that is fine.

Councilwoman Peterson: Inaudible for transcription.

Mayor Raizk: There is no possible way that we could administer a permit system. I don't know how we would do it.

Paul Hunter: We would know where they were if there were permit. I don't have a dog in the hunt, but I would just like to offer the idea, if you permit them, at least you know where they are. If you don't permit them, they are out there and you don't even know it...

Tim Harrison: We've never had anybody raise their hand and say "Can I have my cougar back."

Paul Hunter: We're talking about snakes. Cougars are obvious. I agree with you.

Tim Harrison: How about the Gaboon viper with the four and six-year-old boys. Nobody said it there.

Paul Hunter: It's going to be there regardless. People break the law all of the time.

President Ertel: You have about one minute left. Are you finished?

Brittany Filey: I would just like to say, while we are not saying that we are completely opposed to limiting what is kept in Wilmington, we simply are offering our services that if you do choose to do a permit system, we are here as an educational resource. We are willing to work with you because we don't want to see pet owners, snake owners, reptile keepers banned from keeping smaller snakes that are not as dangerous as what you are perceiving the larger animals to be. If you choose to ban venomous reptiles and the large five, if that is something you don't want kept in Wilmington, you can do a blanket permit for the smaller animals just basically to keep on file, like a dog license to have your dog, part of a public record stating this person has non-venomous reptiles in their home, some public record so that people do know and so that your law enforcement and emergency personnel do know and are aware of it.

President Ertel: Very good. Thank you.

Councilman Jaehnig: I need to ask a question to the society real quick.

President Ertel: Go ahead.

Councilman Jaehnig: The question I have is a moral question. By allowing permits and allowing people to keep these exotic animals, snakes or whatever in their homes, don't we perpetuate an attitude of taking advantage of these animals in other countries? It seems to me if animals are getting yanked and they are getting moved around and so forth to fulfill our heart's desire because I want to have a cute, cuddly tiger, it seem to me by allowing that, it just perpetuates that problem.

Matthew Filey: With reptiles, I would say a vast majority of the animals are captive-born that are being passed around. There are some notable exceptions, like the monitor lizards in Africa are actually farmed like cattle to be brought over for pets. These animals are not being, for the part, taken out of the wild. They are being bred specifically; otherwise, we wouldn't have all of these color variants that Tim was talking about.

Tim Harrison: They are called designer snakes.

Matthew Filey: Exactly. Designer snakes. The reptile business in the United States is well over a billion dollars, when you put in everything together, easily. It is the stuff you don't think about. I build my own cages, so you have to go out and go to Home Depot and that. People are going spend all of that money on maintaining a captive animal. The permits to bring animals into the United States every year becomes increasingly strict, so it is going to become a less and less problem of wild-caught animals in terms of reptiles coming in and having almost 90% of animals actually being captive-born.

President Ertel: Anyone else wishing to address council on this subject? Yes sir.

Greg Waites: My name is Greg Waites. I live at 394 Dana Avenue. We breed exotic birds. We don't do reptiles. We don't do cats. I have been to the Mount Hope auction several times over the past several years. What I don't want to see, is I don't want to see a ban put on something widespread to where a little kid can't have a parakeet. A parakeet has never got loose and bit nobody and hurt them. We breed big exotic birds too. We have a lot of birds that are on the number one [inaudible for transcription] list that we do have permits for. We have some birds that there are only 1500 of them in the world. There is no importation of exotic birds in the United States and there has not been for over 20 years. Everything is captive-bred, which is what we do. I own and take care of over 700 birds. We build our own cages. It is not a threat to anybody. They're not going to get out and hurt anybody, but I just don't want to see... I think my green wing macaws and my golden conures and a lot of my stuff that people don't never see out to

the flea market on weekends and a lot of people come through have never seen a bird like that. It is just my own pets that I take out there for show, but we also sell babies out there every weekend. I just don't want to see a widespread ban put on exotic pets to hurt our business.

Councilman Jaehnig: Have you seen a copy of the ordinance?

Greg Waites: No.

Mayor Raizk: It is pretty specific, and there are no birds on there.

Greg Waites: I understand that the birds aren't listed. What I'm saying is, if you go a widespread ban on snakes, then it is going to be lizards, then it is going to be this, and then it is going to go on to birds. I understand that birds aren't on the list. I've heard what all of these people says. I have been to the Mount Hope auction twice a year for the last 30 years. I know exactly what it is. I know what it is. I travel to a lot of different auctions. But, we don't buy lions and tigers and snakes and crocodiles because I've got more sense than that. I'm 52 years old and I know that is not my expertise. We breed exotic birds, and I just want to make sure that there is not a widespread ban put on stuff and I would have to get rid of my parakeets.

Mayor Raizk: No, it is pretty specific. I will say though, Greg, the only way that a bird would ever be included is Item No. 1, any animal that is listed on the published federal or state list as an endangered species. You have to have federal permits for that. You have to have that.

Councilman Jaehnig: And part of the ordinance is if you have a state of federal permit, we cannot override that. So, if you have already got a state or federal permit, then you are fine, because we're assuming at that point that they actually do know what they are doing.

Greg Waites: I knew my issue didn't really have anything to do with this, but when I was told about it, I thought I probably should come.

Tim Harrison: That is a natural fear right there, because we are trying prevent children from being hurt or animals being put down, it is a natural fear. I had the same thing in Cleveland and the same thing all around the country, because people are scared that we are going to stop them from having king snakes, we are going to stop them from having frogs, we're going to stop them from having parakeets. It has nothing to do with that – it's just public safety.

President Ertel: Public safety is number one. That is the true issue, really. Thank you so much. We appreciate your comments.

Tim Harrison: Can I make one more comment.

President Ertel: Just one now. Are you sure?

Tim Harrison: All I want you to do before you sit down and make a decision on this is please go to your emergency room doctors here in Wilmington. That is all I want to say. Also, I want my colleagues down here to explain why he filmed his monitor lizards. What is your film for *Animal Planet*?

Matthew Filey: What I filmed with animal planet was a reenactment of Alexandria Hall. She did have a Savannah Monitor Lizard and she actually had a white-throat monitor lizard, which is basically elevated to a new species. They took one of my large savannah monitors and she carried it around on her chest to reenact the scene. They brought it out for the Amelia Police Officers to see and they also had a couple of other shots with her.

Tim Harrison: What happened [inaudible for transcription]?

President Ertel: The lady back there wanted to speak. Did you not want to speak?

Rose Pence: I'm Rose Pence, 196 E. Lewis Ave. Sabina, Ohio. I just want to say that I affirm the educational value of Greater Cincinnati Herpetological Society and have been a member very long. I am not an expert, I just really want to make sure that legislation isn't enacted because people are afraid or uneducated. They are a source of education. They are group of experts and a great group. Thank you.

President Ertel: Okay. Thank you very much. Is there anyone else wishing to address? Yes sir.

Kenny Weiderhold: My name is Kenny Wiederhold. I live at 2076 US 68 South, Wilmington, Ohio. I am the permit holder of 17 animals. They sent an officer down. She inspects my cages and told me I could go get my permit. I have signs posted, so if you are wondering about that, that is how that is done. You guys issue two signs and you place them on your front and back doors, and that lets any kind of emergency personnel coming in know that they are in there. I also have one on the room that they are in, which also lets them know that they are in there. All of my animals are non-lethal. Most of them are smaller species of constrictors, all under 10 foot. I also have monitor lizards. They are also pretty tame, for the most part. They don't escape. I take good care of them and feed them well. I don't think an outright ban would be the right thing to do with it, because it would not be fair to people who do keep them right. That's all I've got to say.

President Ertel: Thank you. Anyone else? Thank you all for your input. We appreciate all of your different viewpoints issued here, and certainly will be taking that into consideration when reviewing the subject. At this point, that basically takes care of my portion of the agenda. You are all welcome to stay for the rest of the meeting, but perhaps it may not interest you quite as much as your hobbies. So, you are free, certainly, to leave.

Councilman Wells: Mr. President.

President Ertel: Yes sir.

Councilman Wells: I have a question about this exotic animal ordinance. I could ask it during the safety committee presentation or would you rather I ask it now?

President Ertel: Why not wait until we get to it, because it is specific to the legislation, correct?

Councilman Wells: Yes.

President Ertel: Okay. Very good. At this point, Mr. Mayor?

Mayor – Mayor Raizk: No report, seeing the lateness of the hour.

President Ertel: Very good. Committee Reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. No auditor report.

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

President Ertel: Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: We do have several items this evening. The first item is a resolution authorizing the mayor to enter into an agreement with Honeywell International, Inc., for the energy efficiency/energy cost saving project for the City of Wilmington buildings and facilities and declaring an emergency.

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Enter into an

Agreement with Honeywell International, Inc for an Energy Efficiency/Energy Cost Savings Project for City of Wilmington Buildings and Facilities and Declaring an Emergency, by title only.

Councilman Peterson: I just have a quick question. Why do we have to have three readings tonight? I'm sorry, [inaudible for transcription].

Councilwoman Mongold: Well, for one reason we are trying to arrange the bank to secure a low interest rate.

Roll call: Jaehnig, yes; Wells, no; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, no; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2170 passed as read.

Councilwoman Mongold thanked the Honeywell representatives and Dave Allen for all of their work on helping to put together the project. The Honeywell representative said he appreciated all of the support of council and that they were excited to start the project.

Paul Hunter: I appreciate the humility of you guys redoing this seeing as the other process wasn't up to snuff and that you didn't stand there like a stone and say "We're going to do it anyway." I appreciate it.

President Ertel: Thanks, Paul.

Councilwoman Mongold: The second item tonight is an ordinance establishing a new fund. That is the Ohio Public Works Nelson Road project fund. It is Issue 2 money.

A motion was made by Mongold and seconded by Peterson to give the first reading only on the ordinance Establishing a New Fund (Nelson Avenue).

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4872 passed as read.

Councilwoman Mongold: The next item is an ordinance establishing a new fund, and that is the Ohio Public Works sewer project fund.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund (Sewer Project).

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4873 passed as read.

Councilwoman Mongold: The next item is an ordinance making miscellaneous transfers.

Councilman Wallace: I have a question. Could you tell me what this is for. It doesn't say in anything that I've got. It says that we are transferring from this account and this account, but I don't know what it is for.

Councilwoman Mongold: Basically, what they are doing is they are moving them from one account to another account.

Councilman Wallace: Is this all Fire Department.

Councilwoman Mongold: I see one in there.

Councilman Wallace: I see one says squad.

Councilwoman Mongold: I'm sure that is for the squad.

Clerk Laura Curliss: Some are court.

Councilman Wallace: They are not all three the same thing.

Councilwoman Mongold: No. Not the same department, no. Does that answer your question?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4874 passed as read.

Councilwoman Mongold: The next item is an ordinance making supplemental appropriations. This first item appropriates to pay out of the water fund for the bonds that we are calling. The second item is we are depositing it with the first mortgage so then they will pay the funds out to the investors. The last two items is just the way we are tracking the Issue 2 money.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4875 passed as read.

Councilwoman Mongold: The last item we have is an ordinance authorizing the payment of expenses incurred in a prior fiscal year, the then and now. I asked Mary Kay, if this happens at the beginning of January, will we have the then, then and now?

[Laughter]

Councilwoman Mongold: It keeps going on and on now. We're getting close. These are purchase orders from last year and they are for projects just being finished. Hopefully this will be the last time.

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

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2171 passed as read.

Councilwoman Mongold: That is all we have tonight, Mr. President.

President Ertel: Thank you very much. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have one item. As we opened up Nunn Avenue, we have noticed that there is a lot more traffic and it is going a lot faster. The legislation tonight is to add a four-way stop at the corner of Nunn and Kay. Are there any questions?

A motion was made by Peterson and seconded by Wallace to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

Peterson requested that the second and third readings be on the agenda for the next council meeting.

Clerk Laura Curliss: Oh, okay. You don't want to do three readings.

President Ertel: You don't want to do three readings; you just one to do one.

Councilwoman Peterson: Thank you.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the Agenda tonight; however, I would like to encourage the citizens to please recycle. Use the blue bags and help save our landfill. Thank you, Mr. President.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: I have no report, Mr. President.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: Yes, Mr. President. We have two items this evening. The first item is the third reading on the resolution authorizing the submittal of a proposal with the Ohio Department of Transportation for a Grant through US DOT Federal Transit Administration.

A motion was made by Popp and seconded by Peterson to give the third reading only on a resolution Authorizing the submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the US DOT Federal Transit Administration (FTA), as Authorized under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Fund Available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled Transit Fare Assistance Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Motion passed.

President of Council declared Res. No. 2172 passed as read.

Councilwoman Popp: The next item is the third reading on a resolution authorizing the execution of a contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare.

A motion was made by Popp and seconded by Peterson to give the third reading only on a resolution Authorizing the Execution of a Contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2173 passed as read.

Councilwoman Popp: Our third item is the second and third reading on a resolution adoption a City of Wilmington mini revolving loan fund.

A motion was made by Popp and seconded by Peterson to suspend the rules and give the second and third reading on the resolution Adopting a City of Wilmington Mini Revolving Loan Fund, by title only.

Councilman Wallace: Can I ask a question, please?

Councilwoman Popp: Sure.

Councilman Wallace: Will our 25% come out of the general fund? There ought to be a separate thing so that way for our portion of this....

Mayor Raizk: We're thinking about a separate thing right now. We are doing this, but we don't have our final EDA approval on this.

Councilman Wallace: This is a [inaudible for transcription] responsibility.

Mayor Raizk: Yes. I think we can handle that, not necessarily out of the general fund. We have other sources to do that with. Incidentally, since you brought that up, this is a mini-revolving loan fund that is for small businesses or startups that want smaller...it will be administrated in such a way that their paperwork is not the typical type of scenario, so if they really have a good pro forma they can get access to this money and get it quickly. We also have, which will not be affecting City funds, an EDA project of a large revolving loan fund, which will be \$2,000,000. The 25% share, we have a letter that has been given to the EDA from the Ohio Department of Development that they are advancing a half a million dollars. They will put the share up for that. That will give us another tool, another arrow in the quiver, if you will, in terms of redevelopment. Both of these are kind of important. We see that loan fund as something for the larger-type project, the revolving loan fund, where these would be for smaller businesses that could use this, or startups, or even people starting their own business that just need a little help.

Councilman Wallace: Let me ask a question as well.

Mayor Raizk: Yes.

Councilman Wells: Who manages this fund?

Clerk Laura Curliss: That's ECDI.

Mayor Raizk: There is a state-approved agency that is called ECDI. They do these in other communities. We don't have any administrative responsibilities. As for the large revolving loan funds, and this is informational only because there is really no legislation that will be a part of that. The Port Authority will manage that large revolving loan fund. They have the ability to do that under their type of charter.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2174 passed as read.

Councilwoman Popp: Our next item is three readings on a resolution authorizing participation in a Worker's Compensation pool and declaring an emergency. This is an annual thing that we do. We are on a time schedule here.

A motion was made by Popp and seconded by Peterson to give the first reading only on a resolution Authorizing Participation in a Workers' Compensation Pool and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2175 passed as read.

Councilwoman Popp: This last item is three readings on a resolution delineating a redevelopment district within the downtown for the purposes of the Ohio Small Cities CDBG program.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Delineating a Redevelopment District within the Downtown for the Purposes of the Ohio Small Cities Community Development Block Grant (CDBG) Program (Tier II Downtown Program Grant).

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2176 passed as read.

Councilwoman Popp: Thank you, Mr. President. That is all I have these evening.

President Ertel: Okay. Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: Thank you, Mr. President. We have two items. Obviously, we have spent a great deal of time on the first item. I'm sorry that it is last on our list tonight for you waiting so long. Mr. Wells, do you have a question?

Councilman Wells: I have a question and I would like to have this clarified. 507.01 Prohibited Animals, No. A, under number 3 where it says "deer," number 4 says "skunk," number 7 says "groundhogs," and number 8 says "coyotes." If I put in my yard an ear of corn or cracked corn or sunflower seeds or birdseeds to feed wild birds, squirrels or whatever and one of these animals comes into my yard and feeds, am I guilty of harboring or maintaining a prohibited animal?

President Ertel: It was not your intent to do so.

Councilman Wells: It is still okay to feed birds and squirrels, correct? Even if one of these animals comes into my yard?

President Ertel: Correct. But, if they are there every day, noon and night, we might ask the question, "Are you doing this on purpose?"

Councilman Wells: Yes, I am doing it on purpose.

Mayor Raizk: Kathryn, wouldn't the issue be control?

Law Director Kathryn Hapner: Well, I understand where Don is coming from, because if he is putting stuff out every day and deer and badger are coming in and he knows they are coming in. He is not putting them out for the animals, but it could be construed that he is violating this ordinance because those animals come and he knows that they are coming. So, I understand his concern that even if he is not trying to attract them, the way this ordinance is read, it could be construed...

Mayor Raizk: I guess I was going back to the A part. I know what Don is saying, which I understand that. It says "shall keep, possess, harbor, maintain or have care, custody or control." Animals that come into your yard...

TRANSCRIPTION INTERRUPTED. END OF TAPE

President Ertel: ...it would be an issue and it would be a great, great opportunity for a judge to review.

Law Director Kathryn Hapner: Well, I mean, there isn't anything that I can point to, any prior cases that I can point to and say yes or no, but I'm saying that the danger is that if

you have a very liberal wide reading of this, then you wouldn't read it any differently than you do for stray dogs or cats. If it is a stray deer or a stray coyote and you are putting food out and those animals are coming in, it could be construed that you are having care of them.

Councilman Jaehnig: So, the concern is over the word "harbor."

Law Director Kathryn Hapner: "Care" or "harbor."

Clerk Laura Curliss: This is the language of the Dayton ordinance that has been in effect for a number of years, and I'm not aware of any case law, maybe Kathryn is, I'm not, that it has been construed that way. I mean, it is a tested ordinance. We did not make this ordinance up. Okay? This is from another city that has had it for a number of years.

President Ertel: Okay. Good question. Yes?

Councilwoman Peterson: A couple of things. Maybe someone will [inaudible for transcription]

Councilman McKay: I agree.

Councilwoman Peterson: For the gentleman who lives on 68 South, and I apologize for [Inaudible for transcription]. I believe that section "C" addresses his questions.

Law Director Hapner: For ten years. He can continue to have those animals for ten years.

Councilwoman Peterson: Your creatures would be grandfathered in.

Law Director Hapner: As long as he doesn't take them away for more than four months – for a four-month period of time.

Councilwoman Peterson: Sir, does that answer your question?

Kenny Weiderhold: A little bit.

Councilwoman Peterson: Because they are already permitted.

Law Director Hapner: The problem is if he moves...

[Inaudible discussion regarding the address]

Councilwoman Mongold: The way this is written if, if there is a permit issued prior to October 1.

Councilman Jaehnig: That is going to change.

Kathryn Hapner: It cannot be effective today.

Clerk Laura Curliss: It will be amended. If you don't pass it today, it is going to have to be amended next time.

Kathryn Hapner: The problem is if he moves, under this ordinance, if he moves, he loses that permit.

Councilman Jaehnig: Under the current ordinance, if he picks up a permit at one location and then moves to a new location, does he have to get a permit?

Councilman McKay: There are so many questions and we seem to need clarification on the permit process, I would like to see how we actually are going to... it's either carte blanche or we are going to identify these animals, which I don't think we are. I agree

that legislation is important, but we do need to know where we are going before we pass this.

Councilman Wells: And I also need clarification on the feeding birds. A lot of people feed birds.

President Ertel: A question from the audience.

Unidentified Male Speaker from Audience: Regarding the bird feeding, one thing you could run into is if you are attracting deer and you have a neighbor with a garden or fruit orchards or something like that, they would be complaining that this guy is pulling in the deer.

Councilman Jaehnig: Oh, we already have that.

[Laughter and inaudible banter]

Councilwoman Peterson: Could we perhaps have a committee meeting before the next council meeting?

Councilman Jaehnig: Yes, I have no problem with having a committee meeting. Are we in the position that we want to do the second reading and have a committee meeting for resolutions?

Councilman Wells: The only thing I want is because there are a lot of questions. A lot was said tonight. There is a lot that needs to be digested. There are a lot of questions.

Councilman Jaehnig: I would suggest, if we don't have a consensus, that we...

Clerk Laura Curliss: I think you do for a second reading. I would just make the motion.

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Rescinding Codified Ordinances §507.01 and §§507.03-.06, Amending §507.02 and adopting a New Codified Ordinance(s) in Chapter 507 Regarding the Keeping, Possessing, Harboring, Maintaining, Custody or Control of Exotic, Wild and Vicious Animals in the City of Wilmington.

Roll call: Jaehnig, yes; Wells, no; Peterson, no; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed

Director of Law read ordinance by title only.

President Ertel: Very good. There is going to be a committee meeting then, and this third reading could be perhaps two meetings from now. Am I thinking that right?

Councilman Jaehnig: Yes. We plan on having a committee meeting as soon as possible.

Councilman Jaehnig: Thank you, Mr. President. We have a second item. It is three readings on a resolution accepting a gift to the Fire Department and declaring an emergency. This is a vehicle that is being donated to the Fire Department for training purposes.

Councilwoman Peterson: Can I ask, how are they going to use it?

Councilman Jaehnig: [Inaudible for transcription]

Councilwoman Peterson: That is what I thought.

Clerk Laura Curliss: They cut it up.

Councilman Jaehnig: Okay.

A motion was made by Jaehnig and seconded by Popp to give the first reading only on a resolution Accepting a Gift (Vehicle to Fire Department) and Declaring an Emergency. Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2177 passed as read.

Councilman Jaehnig: That is all, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace – No report, Mr. President.

President Ertel: Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I have about six things.

[Laughter]

Service Director Larry Reinsmith: I just want to explain. I put a little notice in the paper. It may be there tomorrow. It was in your online paper tonight, I think, because I thought it was a fine time for all of you people running for reelection. It has to with signs. I was just reminding candidates that signs are not permitted in the right-of-way. The right-of-way is the area between the curb and the sidewalk. I'm just telling you. In the past they've gotten kind of wild. If the street doesn't have a sidewalk, then the rule of thumb is about 7 ½ feet behind the curb is the right-of-way line. I also mention that this does not just pertain to political signs, it pertains to all business signs. Recently I have noticed that we have signs nailed all over utility poles, and they are not permitted on utility poles. There are reasons for this. It's safety. They nail these signs up at intersections and it blinds your vision. They are good at putting the signs up and sometimes they take them down, but they never pull the nails out. The problem is those nails remain in there, and then you get a utility person that comes in there and decides he wants to climb that pole, he hits those nail heads with a set of hooks on his feet and he'll burn that pole. I am sure that most of those people never got permission from the utility companies to put those signs up there. Then, we have other businesses. We have another incident right now, we have a scarecrow tied to a street sign out on Rombach Ave. right by East End School. We have to control these right-of-ways, so I put the notice in the paper to warn everybody not to do it. I'm just going to have a standing order with the Service Department to go pick these signs up, and if you want them you can come get them at the Police Department. That is where they will take them to.

Councilman Wells: Larry, does that include real estate signs?

Service Director Reinsmith: I think really it does. I mean, it says no signs in the right-of-way. Most of the houses that are selling have a front yard. That is all, Mr. President.

President Ertel: Thank you, sir. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Income Tax Report – September 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

Robert Mead: I'm Robert Mead. 1013 N. Lincoln Street. Wilmington. I just have a question regarding the recycling. I agree 100% with Councilman Wells' statement that we need to save our landfills and not put something in that doesn't need to be there. Why then can't the city accept recycling from commercial establishments who generate a much higher percentage of recyclables than any home? So all of our recyclable waste goes in our trash and goes to your landfill. That is opposite of what you say you are trying to do. That is just a question. I don't expect an answer tonight. It is just a comment. Thank you.

Councilman Wells: Robert, are the recyclables that you are talking about, is that cardboard?

Robert Mead: It could be cardboard, plastic, glass, what is normally recyclable at home, plus cardboard is a problem, since you mentioned it, and that includes the county. See, we can't even take recyclables out on Main Street to the dumpsters. They will not allow commercial establishments to do that, so all of our stuff is ending up in your landfill and you don't need that.

Councilwoman Popp: There is a company.

Robert Mead: Yes, I know. I can pay somebody to come and get it, but I don't particularly want to do that.

Councilwoman Popp: No sir, there is a company in Hillsboro that will pick up the cardboard. I forget the exact name. They hire people. They take it for free, the cardboard, and they recycle it in Hillsboro. Their employees separate it and that is their job. It's like our Nike Center. It's Hillsboro Nike Center.

Robert Mead: I think that is very noble.

Councilwoman Popp: I can give you the information on that and let you know. They have a route in town. I think they come every day in town and you can set it out and have them pick it up.

Robert Mead: Being a citizen of Wilmington, living in Wilmington, and having an establishment in Wilmington, why would I need to deal with Hillsboro to prevent my landfill?

Councilwoman Peterson: You know, the cardboard, first of all...

Robert Mead: It isn't right.

Councilwoman Peterson: Well, that's interesting, because I do think that something that we have looked...

Robert Mead: Just consider. Just consider.

Councilwoman Peterson: They do not accept cardboard [inaudible for transcription] at the landfill.

President Ertel: I think that is an excellent point.

[Inaudible banter regarding landfill]

President Ertel: Okay. Thank you. Yes, Phil.

Phil Floyd: I would ask anyone in attendance would kindly sign the sheet saying they attended the public hearing; it is totally voluntary.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, October 15, 2009, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, absent; Wallace, absent (joined meeting at 7:38 pm); Popp, present; Mongold, present; McKay, present.

Chief Hatten was also present.

A motion was made by Mongold and seconded by Jaehnig to excuse the absent member. Motion passed.
Absent member excused.

President Ertel: Mike Wallace is on his way, so he will join us in 5-10 minutes.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by McKay to approve the minutes of the last regular meeting, October 1, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: If you could, when you speak, could you speak into the microphones for the councilpersons. We have had a few issues of being able to determine exactly what is on the record. If you could, just speak into the mikes. I would appreciate it. It makes Andrea's job a lot easier. At this point, we would like to have a presentation by the Secretary of State's Regional Liaison, Shekar Jayaraman. If you would, please, come to the podium.

Shekar Jayaraman: Thank you so much, President Ertel, Mayor Raizk, and Council Members. I just wanted to introduce myself. My name is Shekar Jayaraman. I'm the Ohio Secretary of State Jennifer Brunner's Regional Liaison for Southwest Ohio, so that entails Hamilton County, Butler County, Warren County, Clinton County and Clermont County. I just wanted to take a couple of minutes here and introduce our office and kind of let you know what we can do for you as a state agency and what kind of services we can provide for you from Columbus and what I can personally do for you around the area itself. I work very closely with Joy Ames and Betsy Hart down at the Clinton County Board of Elections. Just to tell you a little bit about our office here. The Ohio Secretary of State's Office, when people think about the Secretary of State's Office, they think mainly election services, but we actually have many other functions to our office up in Columbus. We have four main goals that we would like to see happen around the entire State of Ohio. The first and foremost goal, like I mentioned, is to restore trust to Ohio elections. We want to see that citizens have faith that Ohio elections are free, fair, open and honest, and to encourage the highest level of participation in our democracy. Number two is to ensure that business filings are quick, easy and efficient to retrieve. Basically, what this entails is anytime a business wants to set up in the State of Ohio or any sort of entity wants to come to the State of Ohio, whether it be a for-profit corporation, a nonprofit corporation, they all have to register with the State of Ohio through our office. So, often times, you can either go through myself or you can call our business services office directly up in the State of Ohio. I think this is very important that people understand the services that we have to offer through our office with business services. Especially in these trying times, a lot of people are looking toward entrepreneurialism and starting their own businesses. We want to make sure that people are able to utilize our services to the utmost degree so that they can bypass having to spend any further money on consultations or anything – that we are able to be as big of a help to you, as the people, as we possibly can be. I brought these two pamphlets here that kind of act like tutorials as to how to set up a business in the State of Ohio. The first one is a "Guide to Setting up a Corporation in Ohio." This kind of tells you how you can maybe go about trade-marking or how you can set up an international corporation – any sort of for-profit corporation. The "Guide to Nonprofit Organizations" here tells you how to start up a nonprofit, so like a 501.3(c) or any sort of nonprofit corporation. This

is something we take very seriously. One thing that we want to make sure that every citizen knows of Ohio is that when you do call our call center up in the main office in Columbus, when somebody does answer the phone to assist you, you are actually talking to a live expert and that entire call center is actually right below the Secretary's office. We have attorneys there, we have MBAs, we have trained professionals that are able to help you and guide you step by step. Like I said, I am always available to help you as well, if you endeavor to start your own business.

Shekar Jayaraman: Another issue that I wanted to bring up, and we take this very seriously, in terms of polling locations for the State of Ohio and the elections. We want to make sure that everybody knows their rights when they are at the polls. We want to make sure that anyone with a disability, anyone who feels disenfranchised we want to make sure that they know that they take very seriously that every single polling location is met to the ADA standards, which is the American with Disabilities Act. What I do personally, and what my colleagues around the state do personally, is we go to as many polling locations as we possibly can and we work with the Boards of Elections and specifically here, Clinton County Board of Elections, and we make sure that every single polling location is up to compliance. That means that from making sure that there is a ramp available for people with wheelchairs, to making sure that even the door isn't too forceful for a person who may have any sort of imparities with their hand to be able to open the door, is able to open that door. Once they actually get into the premise itself, once they go to vote, we want to make sure that people have that option that if they don't feel comfortable reading the actual ballot or if they have any sort of visual impairments, we have facilities that they can actually go and choose an alternative form of voting. This is what we call the ADA Compliancy Unit. They can actual put on headphones, and the ballots will be read to them. If they are still not comfortable with that, you can actually go to a poll worker. What we end up doing is we have equal representation of both major parties in the State of Ohio. We have democrats and republicans. One representative from each party will come to assist you so that there is no sort of favoritism or there is no sort of partisanship when the ballot is being read to the individual. These are the kinds of checks and balances we use with that as well. I brought this...this is a little pamphlet. This is kind of telling you what kind of standards we use, so that anybody who may have difficulty or any sort of impairment feels comfortable with the voting process.

Shekar Jayaraman: I also brought one of the "Vote in Honor of a Veteran" pamphlets. This is an initiative that our office has brought up, which we feel is very important, mainly because we are one of the very few countries in the world with a democracy -- but a democracy that allows everybody to vote, anybody to walk into any sort of town hall and be able to voice their expressions or their opinions, no matter what their background is. So, we want to make sure that the very people who gave us this right and still maintain this right for us, are the veterans and are the people who are out there on the frontlines every single day, fighting for us to make sure that they can restore democracy back home. We want to make sure that the very essence, the very fundamentals are being respected and are being honored. A small way that we can show our respect and our honor toward our veterans is to fill out this little card here. What you do is fill this out and we will send a lapel pin back saying that "I voted in Honor of a Veteran." This is our way of reminding all Ohioans that the reason that we are able to vote so freely is because of these people who restore these trusts for us.

Shekar Jayaraman: Finally, I brought "The Profile of Ohio." This actually was initially meant for children, but we found out that adults enjoyed it a lot more. This is a profile of Ohio. If you kind of flip through it, it kind of shows you all of the achievements of the State of Ohio. It shows you the kinds of institutions we have in Ohio. The achievements in terms of entrepreneurship, all of the businesses that are settled in Ohio, and neat little facts -- like our state bird, our state bug (which is a ladybug, by the way, I didn't know that), and neat little facts. For instance, we have six medical schools in Ohio, and that is the second largest state per medical schools in the country, second to California. These are important things that I think every Ohioan should know. It just raises our pride in our state. I just wanted to kind of introduce our office here and tell you what we are all about.

Shekar Jayaraman: One more thing that I think is very important that we should all remember is, when election season comes up, we should try to encourage ourselves, our friends, or our family, anybody that you know, to become a poll worker. I think it is very important, and I brought some applications with me as well. You can also contact me or the board of elections about this. I think it is very important for people to become poll workers. A) Being a poll worker is the very grassroots, the very essence and face of democracy in this country. This is probably the most important job in elections in this country, just because this the very checks and balances that make sure that every vote is counted properly and fairly and that there is no partisanship; there is no favoritism. When you walk into a polling location, the very faith that you see as a poll worker, so we want to make sure that this is the best way to give back to our communities. This is the best way to get involved physically. I just want to encourage everybody to think about it and support your local Boards of Elections and support your local communities in becoming poll workers. With that being said, I just wanted to give an introduction and let you know what we are about. I am always available to help you guys out. I want you to think of me as your personal liaison to state government. I am always willing to help out, whether it is in business services, elections, any sort of questions or concerns that you have, I am always there to help you out. I brought my cards with me. I'm young and energetic, so whenever you need me, let me know.

President Ertel: Thank you so much.

Councilman McKay: Just one question or comment. Thank you. That was very well presented.

Shekar Jayaraman: Thank you.

Councilman McKay: I believe that we do still have a shortage of poll workers here in Clinton County. I was talking to Betsy the other day. So, if that could be kind of publicized, it might help the Board of Elections.

Shekar Jayaraman: Sure. Absolutely.

Councilman Jaehnig: Specifically, one party.

Councilman McKay: I'm not sure.

Geoffrey Phillips: It is entirely one party.

Councilman Jaehnig: We need more democratic poll workers?

Geoffrey Phillips: [inaudible for transcription].

President Ertel: There you go. Okay, very good. Thank you so much.

Mayor Raizk: Some of you guys could change your registration.

[Laughter & Banter]

President Ertel: Very good, sir. Thank you very much for coming tonight.

Shekar Jayaraman: One more thing. This is Access Ohio. You can access any state agency you like. On the back of here, it gives you all of the phone numbers and everything. I forgot to mention this.

President Ertel: Thank you so much.

Paul Hunter: I have one question for you.

Shekar Jayaraman: Sure.

Paul Hunter: Have you guys considered half-day or half-shift poll workers? As we gray, 12 hours is a long haul for some of us. I think that maybe a six-hour shift or something like that could be introduced.

Shekar Jayaraman: I haven't heard any talk of that lately, but that is certainly something I could take back as an idea and mention to them.

Paul Hunter: Older people like to do that, but if you have varicose veins and all of the things that go along with it....

Shekar Jayaraman: I will take that back up to the Secretary, sir.

President Ertel: Very good. For the record, I would like to mention that Mike Wallace joined us at 7:38. Thank you, sir.

Councilman Wallace: Are you trying to make it look like I'm late there?

President Ertel: No. I just want to make sure that it is on the record that we have only one absent person here. You have been excused.

Councilman Wallace: I am present and accounted for.

President Ertel: Very good. At this time, I would like to open up discussion. Obviously, I see a lot of faces in the audience concerning the ordinance for the exotic animals here in the City of Wilmington. If we could, have you come to the podium and state your name and address for the record. I would like to hold the comments to about three minutes each. Please, the information that you gave last time, I think most of us remember, so if you could maybe only bring up new things that we need to consider, I would appreciate it. So, would you like to speak sir?

Matthew Fille: I just wanted to say that it will be two new people with a completely different background.

Eric Keyster: My name is Eric Keyster. Address is 4213 Hathaway Road, Union KY 41091. I would like to say that I work at the Cincinnati Zoo, but my opinions are strictly my own. I am not representing the zoo in this forum. I am opposed to this ban, from what I have seen anyway. I'm not sure it is enforceable. Having said that, there are a lot of species on there that pose absolutely no threat to anyone. I've been working in zoos with potentially dangerous reptiles and crocodilians for a really long time. I have never had a serious injury from any of them. I think that a lot of times emotion and fears get brought into it. If you really look at the statistics, they are not near as dangerous as some people may have you think. According to the Bureau of Labor Statistics, you are 33 times more likely to get injured by an insect than you are a reptile. I think the fear gets trumped up a lot. Dogs kill more people every year than reptiles do. You can look at the Bureau of Labor Statistics website and get that information. Of course, you are going to hear more about the big snake attacks and stuff like this. Once in awhile, people have died. You are going to hear about that because that is good news. You are not going to hear about the person who got killed by their horse or their dog as often. I just ask that you take the emotion out of it and the fear out of it and look at the statistics.

President Ertel: Very good. Thank you so much. Next?

Elmer Williams: I just had a couple of questions really. My name is Elmer Williams. I live at 181W. Main Street in Wilmington, Ohio. I have lived here since 1972. I have an African serval cat; he's about this big. He is harmless. He has been on the front page of the paper three times. I take him to churches and schools and let kids see him and learn about him. He has been up here, even. He could possibly live 23 years. I kind of hate to get rid of him or leave town. I see here this limits us to 10 years. If this is passed, I want to ask, who makes the decisions on questions and problems that you would have? Who would you go to? I'm really against it myself, but if it passed, I just want to know who to go to.

President Ertel: Rob?

Councilman Jaehnig: Your serval – what is the age now?

Elmer Williams: Three years. He is three years old. He has been in town for three years.

Councilman Jaehnig: We have an issue with that particular point. I don't know about council, our intent was to take into consideration the average lifespan. Obviously, we are uneducated with the lifespan of a serval. Personally, I don't know about the rest of council, I would think that we would need to take into consideration something that would take more of a lifespan into consideration of something that is already currently permitted in the city than a hard line on 10 years. I mean, it has already been part of the city for three years. The explanation of 10 years that was given to me was that was the average lifespan that we would be looking at. Any thoughts or comments from the rest of council?

President Ertel: I think this certainly is an issue that we have to look at for things that are already here. The ten-year limit on things that are here, I think we do need to take a look at that. I would suggest that we do take a look at that. We could still enact the legislation that we currently have and take a look at that. We have 10 years to look at it, but I would like to get it done within the next year. What do you think? Does that make sense?

Councilman Jaehnig: Are there any objections with the rest of council?

President Ertel: With animals that are already grandfathered in. I know exactly where you are at with your...

Councilman Jaehnig: Our intentions are not to penalize anybody that has already done the proper thing and permitted their animal and so forth. Personally, my opinion is it is something that we need to address and correct.

Elmer Williams: I would like to add...

Chief Hatten: Is there some way to identify that specific animal. Is it tattooed or anything like that from a veterinary service or something? I don't know that you can tell one serval from another.

Elmer Williams: It would be pretty tough. It is declawed on all fours.

President Ertel: Is he chipped at this point?

Elmer Williams: He sleeps right beside me.

President Ertel: Is he chipped? Does he have...?

Elmer Williams: Oh, is he chipped. I thought you said "gentle." I'm sorry.

President Ertel: No, no. Is he chipped?

Elmer Williams: No, he is not, but I could get him chipped if that is a problem.

President Ertel: That might be a possibility right there.

Chief Hatten: That would be the thing that I would be concerned about – is being able to specifically identify...

Elmer Williams: I thought about doing that.

Chief Hatten: If something happens to your serval, God forbid, you could bring another serval and we would never know it.

Elmer Williams: I could do that. If I brought him in here now, he would walk around and meet each one of you in the whole place.

President Ertel: I know. I have seen him. He is a wonderful cat.

Elmer Williams: It is the way you bring them up, too. If you would put him in the garage in a cage, it would be a different story. I kind of hate to get rid of the little guy, you know?

Councilman Jaehnig: That is not our intention.

President Ertel: No. That is not our intention for anyone. That's the nice thing about city government, it is a living, breathing document that continues to be refined and updated based on community needs, wishes and wants.

Elmer Williams: So, if I have a question or problem of where I can take him or if I can't, who do I go see? He is with me... I have a document from my veterinarian here. I don't know if I have enough copies.

President Ertel: Do you have a federal permit for that?

Elmer Williams: I didn't need to, because I checked the laws here and I got a permit as soon as I did get him. Here is the letter from my veterinarian.

Clermont Animal Hospital Inc.

David J. Stricker D.V.M

Julia B. Esposito D.V.M.

***1404 Old State Route 74
Batavia, Ohio 45103
(513) 732-1730 Fax (513) 732-6711***

September 21, 2009

RE: 3 year old Male/Neutered African Serval "Jata" Williams

To Whom It May Concern:

Out of all the exotic cats we see at our practice, the African Serval is the most sociable and easiest to treat.

I am writing today to discuss "Jata" Williams a 3 year old Africal Serval owned by Mr. Elmer Williams. Mr. Williams has many years experience with African Servals as "Jata" was not his first one.

Mr. Williams brought "Jata" to our Animal Hospital at 21/2 months of age in May 2006 for routine vaccinations and a complete physical exam. Booster immunizations were also given on June 15, and July 13th 2006 when he was also neutered and his front claws removed, then again in November 2007, and May 2008. Mr. Williams has always been a very conscientious owner and has followed through with all recommended care. "Jata" has been in 10 times in the last 3 years and his vaccinations have been kept current.

"Jata" has a very good temperament and has always been easily controlled by Mr. Williams being on a harness and leash at all times. Being aware of "Jata's" disposition he would never compromise the privilege of owning him. I truly feel that "Jata" is well loved, cared for, and a very important part of Mr. William's family.

If you have any questions or concerns regarding "Jata's" temperament or care please call my office.

David J. Stricker D.V.M.

President Ertel: I would say that if you have any issues, check with the local chief of police so we know where he is at.

Law Director Kathryn Hapner: Well, if you want to expand the 10-year period, he doesn't check with the chief.

Mayor Raizk: No, no, no. He was just talking about what is currently permitted and not permitted. Isn't that what you were asking?

Elmer Williams: Yes. I got busy this summer and did forget to renew his permit in July. As soon as I saw this, I went up. I did have a tough time getting my permit renewed. I had to go through several little things to get him renewed. I thought, "Well, I'm grandfathered in," I looked up on my board there, and I had forgot. I did get that done, so, if you guys...

Councilman Wallace: Doesn't this, though, open up a whole new can of worms for us? Does that mean that we are going to make a special addendum for every animal that we have as people filter in each month? This is my point from the beginning. It has been well documented. I was the guy who wanted to come up with a permit system to start with and go with it and not to continue it as we've got it here. I am not sure that I am prepared to vote on this, to let this go, to get this thing through, and then say, okay, next month, we are going to come back and do a special addendum for this particular animal and then next month John comes in with a boa that really is not a danger to anybody, and we'll say we'll give that one a special thing too. Do you know what I'm saying? I think we are working awful hard to ram this thing through, and I don't understand that. I'm not sure that we are prepared to handle this situation.

President Ertel: I totally understand where you are coming from and certainly....

Chief Hatten: We have three permits, and we have only had one. The way I heard you say that, we are only talking about animals that are previously owned.

President Ertel: That is my understanding, yes.

Councilman Jaehnig: That is correct.

Councilman Wallace: The legislation that is in front of us does not address the permit system. It is a blanket...

Councilman Jaehnig: No. It grandfathered those that currently...

Councilman Wallace: Except those that are grandfathered in on permits. That means we have three animals that are good and all of the rest of them are no good...period.

Councilman Jaehnig: Well, we do have an issue that Mr. Hunter brought up that I was going to bring up once we got to this. We do have animals that are listed on this new ordinance that are not listed on the ordinance. So, on the old ordinance they were not required to be permitted. Under the new ordinance, they would not be allowed. So, we do have an issue with regards to animals that are currently in the city legally that are not covered in this. That was another issue that was brought up that is not resolved.

President Ertel: Well, if we get to this point and we feel like we need a little bit more time to do this, and so on and so forth, we can vote down the third reading and still take it back...

Mayor Raizk: Just postpone.

Elmer Williams: I just have one more question. Would we have to get another permit starting in January if this is passed? The way I read it, you have to come in and get another permit for the next 10 years, or is the permit you have now okay?

President Ertel: Once you have your current permit, it is good for 10 years.

Elmer Williams: Okay.

Councilman Jaehnig: Well, they are looking to have updated information as of January 1, but I don't believe they were planning on ...

Elmer Williams: Okay. I don't care about that myself. I just didn't want to come February and find I didn't have a permit or something. Okay. Is there anybody I would... I would gladly bring Jata up to meet any of you guys if you wanted to. One of the judges asked me to bring him up to court one day even. I would be glad to bring him up and meet any of you if you have any questions.

President Ertel: Well, maybe I speak for the rest of the councilpersons, they would probably call you if they would like that...

Elmer Williams: That is fine. You can come to the house and I could bring him out. Thank you.

President Ertel: Thank you. If there are any other people wishing to address, come forward.

Chris Bauer: My name is Chris Bauer. I live at 33 Eastridge Dr. in Amelia, Ohio. I actually was not going to talk because I wasn't aware of the lifespan and the way that had been set in. I just wanted to provide some information on the lifespan of some of the animals that are under the ban. Some of the animals under the ban have about the same life expectancy as a human – one of the examples being the crocodilians. Some snakes have been recorded to live in excess of 40 years. The record, I believe, is a snake species, which I don't know if you need a permit for now or not or if they are in the city legally or illegally right now, would be the ball python, which has lived to be very close to 50 years. So, you are not just dealing with animals that are going to be gone in 10 years. You are dealing with animals that will be here when your children are in these seats also. It is not something that in 10 years is just going to go away like that. It is something that really should be thought about. That is all I had to say.

President Ertel: Very good. Thank you for that information. And I thought dogs lived a long life. Is there anyone else who would like to discuss on this subject. Thank you so much for expressing your opinions. We appreciate it. Now, we will get through this. You are welcome to stay around. If you would like to leave, it is certainly up to you. Okay. Now, Mr. Mayor?

Mayor – Mayor Raizk: I really don't have a report tonight, but I would just kind of like to give a shout-out to Harry Jay McVey who was on the front page. Congratulations to him for being inducted into the Clinton Massie Athletic Hall of Fame. A personal note on that, the fellow on the far left hand was named Roger Reveal. I grew up watching Roger play basketball, sitting on the bench, when I was a little kid. He was a fine man and a fine basketball player, and I wanted to publically comment and congratulate him. That was a good job by everyone there. That is all I have.

President Ertel: Thank you, Mr. Mayor. Committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Yes. We have two items. The first item is an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4876 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations. I do want to just make a note. The two supplemental are to the direct deduction account, which also affects two of the transfers. What that is, that is where we pay the county to handle our fund. They automatically take it out of our fund. That is what the direct deduction is.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4877 passed as read.

Councilwoman Mongold: I would just like to remind council that starting next week we will be having budget meetings. I encourage you to attend these meetings because that is where you really get the information from the different departments. That is all, Mr. President.

President Ertel: Thank you very much. Water Committee?

Water Committee – Chairperson Mike Wallace: I have no report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: We have a second and third reading, as we started last meeting. We have a traffic issue on Nunn Avenue. We are trying to resolve that by putting a stop sign at Nunn and Kay.

A motion was made by Wallace and seconded by Jaehnig to suspend the rules and give the second and third reading on the ordinance Amending the Traffic Control Map and the Traffic Control File, and Declaring an Emergency (Stop sign on Nunn at Kay Dr.), by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4878 passed as read.

President Ertel: Thank you so much. I know that traffic sign is definitely needed there.

Councilman Wallace: That is all I have.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda tonight; however, I would like to urge the citizens to please recycle, use the blue bags, and help save our landfill. That is all, Mr. President.

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: Thank you, Mr. President. We do have one item on our agenda tonight. This has to do with the Kautex property and moving along in our project to acquire that property. We need to enter into a Task Order Addendum for the Master Services Agreements with Hull & Associates. We have been awarded a nice-size grant for which we have to put up some money, but only a small portion, to perform this Phase II Environmental Study by Hull & Associates. Are there any questions?

A motion was made by McKay and seconded by Popp to give the first reading only on a resolution Authorizing the Mayor to Enter into a Task Order Addendum to the 2006 Master Services Agreement with Hull & Associates, Inc. for the Performance of a Phase II Environmental Study and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2178 passed as read.

Councilman McKay: That is all I have, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have two items, Mr. President. Based on the testimony earlier, I believe we have at least one, if not two issues, that need to be resolved in regards to this ordinance.

Chairperson Rob Jaehnig requested that the third reading on the ordinance Rescinding Codified Ordinances 507.01 and 507.03 - .06; Amending 507.02 and Adopting a New Codified Ordinance(s) in Chapter 507 Regarding the Keeping Possessing, Harboring, Maintaining, Custody or Control of Exotic, Wild and Vicious Animals in the City of Wilmington, as amended, be postponed until the next regular meeting of City Council.

Councilman Jaehnig: We will schedule a safety committee meeting between then and there. If we can, we will maybe tack it onto a budget meeting if there is a time.

President Ertel: Okay. That sounds fine. So, we can expect the third reading at the next meeting.

Councilman Jaehnig: Hopefully, yes. The second item we have is renewing an agreement that we have with Adams Township for fire and emergency ambulance services. It is basically the exact same contract that we had with them last year, with no

changes or increases. The police and fire department assure me that this is well within their ranges and well within their budgets based on how it is currently being charged.

A motion was made by Jaehnig and seconded by Wells to give the first reading only on a resolution Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Adams Township for the Provision of Fire and Emergency Ambulance Service for 2010-2011.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2179 passed as read.

Councilman Jaehnig: That is all, Mr. President.

President Ertel: Okay. Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr.

President, but look for an exciting town evening on October 31 downtown.

Councilwoman Mongold: May I make one comment.

President Ertel: Sure.

Councilwoman Mongold: While we have so many individuals in the audience from out of Wilmington, we also... There are letters going out to the businesses about the holiday events downtown, and all of the downtown will be having open houses on November 27 and November 28. We do have a big Holidazzle parade, so we would love to have you come back and visit our city that weekend.

Paul Hunter: Bring your animals.

[Laughter]

Councilwoman Mongold: Thank you.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace – No report, Mr. President.

President Ertel: Thank you. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Thank you. Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Auditor-Treasurer Report – September 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

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

Matthew Fille: 33 Eastridge Dr. Amelia, Ohio. Am I allowed to ask questions to the council?

President Ertel: Sure. As long as you don't get too lengthy.

Matthew Fille: Five minutes or three minutes – whatever you would like me to stay to. My question, basically, to the council is, you basically have addressed everything with the ban, but do you have any plans for where these animals are going? Who is going to be the one – I don't believe the Police Chief is going to be the one to want to determine whether a snake is a venomous snake or a harmless black snake that is native around here. That is, aside from our beliefs on what and what shouldn't be kept, I believe that is an even larger issue of who is going in to remove these animals. Also, where are they going? Based upon what you have in legislation now, the way I read the legislation, I could get a small, basically newborn python, and as soon as it hits three feet, it is illegal. Before it is three feet, for the first three months I own it, it would be considered legal. No offense, but that puts a lot of pressure on us and it would put a lot of pressure on Tim Harrison, that now we are getting the calls in for animals once they reach a certain size. Why not, if you are going to do those species that attain, stuff like that to help out the organizations that are going to have to come out and help you guys out with the animals. In order for us to come up here, we have to know what we are dealing with and what we can expect. Thank you.

President Ertel: I understand what you are saying. In some cases, it is either you do or you don't. It leaves a pet, an animal, with no place to go, so they would have to look for another home and so on and so forth. I understand your comment.

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, November 5, 2009, with President Pro Tem Sandra Mongold presiding.

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

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Peterson and seconded by Jaehnig to approve the minutes of the last regular meeting, October 15, 2009, as received.
Motion passed.
Minutes approved as received.

President of Council – In the absence of President Fred Ertel, President Pro Tem Sandra Mongold: Good evening and welcome. Mr. Mayor?

Mayor – Mayor Raizk: No report.

President Pro Tem Mongold: Thank you. Asset, Acquisition and Use.

Asset, Acquisition and Use –Chairperson Sandy Mongold: I have no report.

President Pro Tem Mongold: Auditor?

Auditor – David Hollingsworth: I have nothing.

President Pro Tem Mongold: Thank you. Finance Committee.

Finance Committee – Chairperson Sandy Mongold: I have a report. The first item we have tonight is an ordinance establishing a new fund.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4879 passed as read.

Chairperson Mongold: The second item we have tonight is an ordinance making miscellaneous transfers. Are there any questions?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

President Pro Tem of Council declared Ord. No. 4880 passed as read.

Chairperson Mongold: The third item tonight is an ordinance making supplemental appropriations. Do we have any questions?

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

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes.
Director of Law read the ordinance by title only.

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

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

President Pro Tem of Council declared Ord. No. 4881 passed as read.

Chairperson Mongold: The last item tonight is an ordinance authorizing the issuance and sale of notes of the City of Wilmington in the principal amount of \$1,353,708 for the purpose of funding energy conservation improvements to the city buildings and facilities under the Revised Code Section 717.02, and other lawful costs incident hereto, and declaring an emergency. This is an additional document that we need to pass this evening to allow the city to move forward on the financing for the Honeywell project. Work is currently being completed, so it is very important that we endorse this document because we have bills to Honeywell to pay. A closing is scheduled at the banking facility tomorrow. In addition to the two previous documents legislated (one was the resolution to enter into the agreement with Honeywell, and the second was to enter into the loan agreement with National Bank & Trust), we need to pass this ordinance to allow the bank to secure the tax-exempt nature of the note. Are there any questions?

A motion was made by Mongold and seconded by Peterson to give the first reading only on the ordinance Authorizing the Issuance and Sale of Notes of the City of Wilmington in the Principal Amount of \$1,353,708 for the Purpose of Funding Energy Conservation Improvements to City Buildings and Facilities Under Revised Code Section 717.02, and Other Lawful Costs Incident Thereto, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes.
Director of Law read the ordinance by title only.

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

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

President Pro Tem of Council declared Ord. No. 4882 passed as read.

Chairperson Mongold: We do need to have a Finance/AAU meeting combined, and it will either be Monday the 9th or the 16th. We will be getting with you on that. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Jaehnig: We have nothing to report.

President Pro Tem Mongold: Okay. Streets Committee?

Streets Committee – Chairperson Peterson: We have nothing to report, but I do have a question for the Service Director. To your knowledge, when are they planning to open

Prairie. The reason I am asking is because there have been some comments about a potential light or something to slow traffic down at Lowes. How eminently do we need a committee meeting?

Service Director Reinsmith: That bridge was going to open in December. I was talking to somebody the other day and they told me that some engineers had messed something up on it and they have to make about a \$50,000 correction. Now it may not be until after the first of the year before they open that.

Councilwoman Peterson: Laura, can we go ahead and schedule a Safety Committee meeting sometime after the budget process.

Clerk Laura Curliss: Streets?

Councilwoman Peterson: Streets. Excuse me.

Service Director Reinsmith: I doubt if a light will be warranted, but maybe a three-way stop possibly. We've talked about that traffic coming over that bridge, and there is a little distance between the bottom of that bridge and the intersection, but it goes from 55 miles per hour to 25 mph just like that. I think we also need to talk about raising the speed limit on Prairie too.

Clerk Laura Curliss: After the Budget Workshop?

Councilwoman Peterson: Yes. After the Budget Workshop. Let's get that out of the way and [inaudible for transcription] first of the year [inaudible for transcription]. Thank you.

President Pro Tem Mongold: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: No report tonight.

President Pro Tem Mongold: Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: We have a couple of things tonight which we are just going to be giving first readings on. The first one is a resolution authorizing Wilmington to file the application to participate in the Clean Ohio Revitalization Fund. Are there any questions?

A motion was made by McKay and seconded by Peterson to give the first reading only on a resolution Authorizing the City of Wilmington to File an Application to the State of Ohio, to Participate in the Clean Ohio Revitalization Fund.

Motion passed

Director of Law read resolution by title only.

McKay requested that the second and third readings be on the Agenda for the next meeting.

Councilman McKay: The next item is the ordinance authorizing the continued deferral of the sewer rate increase and authorizing the deferral of [inaudible for transcription]. Are there any questions?

Scott Kirchner: Is there a reason not to just cancel those rate increases?

Councilman McKay: Would there be a reason? I think that this gives us an opportunity to go back and look at it. [inaudible for transcription].

Scott Kirchner: We do that every year anyway, correct? Look at rates [inaudible for transcription].

Councilman McKay: But this is already in place, and we choose to do it this way. I appreciate your questions. Are there any other questions?

A motion was made by McKay and seconded by Popp to give the first reading only on a resolution Authorizing the Continued Deferral of the Sewage System Rate Increase Scheduled for January 1, 2009, and Authorizing the Deferral of the Sewage System Rate Increase Scheduled for January 1, 2010, for a Period of One Year, and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

McKay requested that the second and third readings be on the Agenda for the next meeting.

Councilman McKay: That is all I have.

President Pro Tem Mongold: Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report.

President Pro Tem Mongold: Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We do have an item this evening. We are up for the third and final reading of the exotic animal ordinance. We do need to amend this ordinance before we have the third and final reading. After the last Safety Committee meeting, we have added, or I should say subtracted, the length of time of the animals that are grandfathered in and have changed it to the standard life expectancy or the duration of the life of that animal. We did not approve the amendments at the last meeting on the changes of adding the disclaimer that feeding wild animals while not trying to control them is not a violation of this particular ordinance in regards to harboring. I first need to ask for the motion to amend the ordinance.

A motion was made by Jaehnig and seconded by Wells to amend the ordinance.

Motion passed.

Ordinance amended.

President Pro Tem Mongold: Before we continue, are there any individuals in the audience who would like to comment on any new information that has not been presented before. Would you please come to the podium and state your name and address?

Elmer Williams: 181 W. Main Street. I just want to be very clear on something here, and I brought it up the last time, but the cost of the permit for a grandfathered animal shall be \$25. I have a permit now; do I need to get another one?

Clerk Laura Curliss: No.

Elmer Williams: Is this one permit good? Okay. I just wanted to make sure that I had this right. Okay. That is the only question I had. That works for me.

President Pro Tem Mongold: Thank you. Are there any other questions or comments?

A motion was made by Jaehnig and seconded by Peterson to give the third reading only on the ordinance Rescinding Codified Ordinances §507.01 and §§507.03 - .06; Amending §507.02 and Adopting New Codified Ordinances in Chapter 507 Regarding the Keeping, Possessing, Harboring, Maintaining, Custody or Control of Exotic, Wild and Vicious Animals in the City of Wilmington, as Amended.

Motion passed

Director of Law read ordinance by title only.

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4883 passed as read.

Councilman Jaehnig: I would just like to thank everybody for the patience in working through this and making sure that we got it right. I know we had a few extra committee

meetings, but I am still happy that we got this completed in a timely manner. Thank you. That is all I have.

President Pro Tem Mongold: Thank you. Downtown Revitalization?

Downtown Revitalization Committee - Convener Leilani Popp – No report.

President Pro Tem Mongold: Parks & Recreation?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilwoman Peterson –We have no report.

President Pro Tem Mongold: Service Director?

Service Director- Service Director Larry Reinsmith: Just a couple of updates. Our Warren Drive project is nearing completion. We have all of the sewer in, and they will be pouring all of the new curb Monday and should be paving probably within a week of the curb being poured on Monday. So, in about another seven or eight days we will have that street finished and completed and take that big dip out of there. The alley next to the Little Giant should be completed tomorrow. We poured curb today and they will pave the base course in the morning and finish coat in the afternoon. Nelson Avenue project will start Monday. They will be doing all of the storm sewer construction here in the fall. They will tear no curb out or no pavement out until the spring, so we will not have a torn-up street during the winter months. That is all, Mrs. President.

President Pro Tem Mongold: Thank you. Safety Director?

Safety Director – Nick Babb: No report.

Reports:

A motion was made by Jaehnig and seconded by McKay to approve the Income Tax Report – October 2009, as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: Now, if there are any comments from the floor, would you please come forward and state your name and address?

Delores McGee. My name is Delores McGee. 384 Doan Street. Is Larry here?

Service Director Reinsmith: I'm Larry.

Delores McGee: Oh, you're Larry. I've called you and talked with you.

Service Director Reinsmith: We talked once.

Delores McGee: I know we talked, and I didn't remember you from before. Anyway, I am here to...I live on Doan Street. As you come off of Grant and turn left, I am in the third house down. There are two houses, 346 and 364, and they have lots of... There is an old car that is parked in the back and all kinds of other stuff. I don't know what it is. I was talking to Cindy. Cindy has been very helpful to me. She has been coming out and looking at it, and I think at one time they did kind of move stuff around, but now there is more stuff. All I want to do is get rid of the cars and all of the junk, because from my back to over to there, I look at this every day.

Councilman Jaehnig: It is in the back yard?

Delores McGee: Yes. It is in the back yard. If you are looking at the front, you can't see...you have to go around to the back and look at...

Mayor Raizk: I know we got that stuff moved once, but it is all back in there?

Delores McGee: Right. I don't know if this is permitted or not, but he has lots of wood stacked on the front porch – all kinds of wood – but then he has this wood stacked on the front porch. I don't know whether that is allowed. That is why I am here – to try to get things moved around. I would appreciate if somebody could kind of help me fix my street. I keep my property nice, and I would like to get it cleaned up on that corner. It is a bad corner. I don't know if you ever drive down that way. You may not have any reason for coming down that street, but if you do... Sometimes I think that Doan Street and Grant Street are not part of Wilmington because it is all messed up.

Mayor Raizk: How about the other property. Is it all right?

Delores McGee: Which one?

Mayor Raizk: The one on the other side. You said there were two properties.

Delores McGee: 345 and 364. Those are the only two before...

Mayor Raizk: It is just the one property. It is not both of them?

Delores McGee: Yes. Both of them. Just the two houses.

Mayor Raizk: Okay. They both have problems.

Delores McGee: Yes.

Mayor Raizk: Okay.

Delores McGee: One is a little bit better than the other one, but the one that has the wood on the porch and abandoned car and all that stuff in the back. So, if I could get some help I would really appreciate it very much. Thank you.

Service Director Reinsmith: Sometimes we get complaints about things that are laying in the yards and things that are laying on porches. I know the Law Director can probably answer this, but it is not necessarily trash and it is not necessarily illegal. You may not like looking at it. I'm not talking about a car. I said "some things."

Delores McGee: Well, what do you call trash? I mean, I'm not talking about trash...

Service Director Reinsmith: Well, you said a stack of lumber. That is not trash.

Delores McGee: I said on the porch. On the porch there is lots of wood.

Service Director Reinsmith: That doesn't make it illegal.

Delores McGee: Okay. I'm just addressing this. You just tell me what to do because I've talked to you about this.

Service Director Reinsmith: I know.

Delores McGee: It seems like nobody hears, you know. I'm talking about the abandoned cars in the back. I'm talking about all of the other debris that is in the back of the house. I think if you lived there, you wouldn't want to look at this all of the time. It's like this. If it is not next door to you, it doesn't matter. Even my neighbors, they tell me, "Poor Dee. I feel so sorry for poor Dee." It's their neighborhood too, but I can't get them to come and address and tell you.

Mayor Raizk: We'll do what we can.

Delores McGee: I'm the one who has to look after my neighborhood. I'm the only one. I asked them to come and they say, "What for?" That's it. I appreciate any help I can get. Thank you very much.

Multiple Council Members: Thank you.

President Pro Tem Mongold 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 Pro Tem Mongold asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on November 19, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the last regular meeting, November 5, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this time, I would like to call upon Councilperson Jaehnig to talk about an event upcoming.

Councilman Jaehnig: Thank you, Mr. President. Obviously, it is Holidazzle season. While Holidazzle itself has some very exciting things going on and things are very, very promising...the parade looks to be coming on in really good shape...we are adding a street spectacular this year that will help those in the cold stay entertained and focus on something other than being cold right before the parade arrives downtown. But, while I could talk about Holidazzle all evening, tonight, I actually am pleased to announce that Holidazzle is having the one-time opportunity to add an additional day. The Sunday after Holidazzle, we have the privilege of a group from Cleveland of film producers and entertainers that are going to come in and extend our festival for a day for us. They have booked the Murphy Theatre and Sugartree Ministries' stage from noon until 10 pm with movies, magicians, comedians, bands, singers, one-act plays, face painters, balloon artists, portrait artists and all kinds of different things at both locations. They are coming in under the name of "The Big Picture." It is a group that really doesn't exist. You can go and try to look it up, but there is no such group. They were just looking for some place to do something nice this holiday season in general. They looked at many communities. After coming to visit Wilmington, they found that they just really, really enjoyed the fact that the attitude of this community, considering everything that we have been through, was positive. You can knock us down, but we are going to get back up, and everything is going to be great. They said, "You know what? This is a community that we want to come and do something for." They really aren't looking for any press. They aren't pushing their name. They're not bringing people to film the event. There is no charge for what they are doing. There are no tickets that you have to get in advance. It is just come and enjoy. It is not limited to the City of Wilmington, it's not limited to the county – Highland County, Fayette County, anybody in the general area that is interested, please come and enjoy part of the festivities, stay for the day, whatever you want. But, it will be a great addition to Holidazzle. Just as a repeat. This is a one-time thing. Please don't get the mistake that we have now taken Holidazzle and turned it into a two-day or three-day event. I've got enough work to do; I don't need that added on to it. It's wonderful that they are coming to our community and providing this for us. Thank you, Mr. President. That is all I have.

Councilwoman Mongold: May I add to that because it all ties into the same weekend? Friday and Saturday of that weekend – the 27th and 28th – the downtown merchants are having their open houses for the holidays. We have had a tremendous response to this. They have the gift certificate program that will be kicked off. There are 14 businesses participating in that downtown. We have 17 businesses participating in the window decorating contest. I think this is just great. It tells me that the business owners are positive and confident of the outlook of downtown. So, along with that, make sure you mark your calendars for that event because...

Councilman Jaehnig: That same night, Leadership Clinton is offering up Polar Express at the Murphy Theatre free of charge. Now that one you have to get tickets for...you can get them at the Pattery and Books 'N' More, but they are free.

Councilwoman Mongold: So, make a point to walk around and see all of the vendors decorated downtown. I know what some are doing now, and it is fabulous. They are just going way out with their decorations this year. Thank you.

Councilman Jaehnig: Thank you. I appreciate you reminding me.

President Ertel: Well, excellent. Super good news. Thank you. At this point, that concludes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any official things to say, other than I believe I said earlier, and you may have seen it on the news already, but our community and our entire area was awarded our second round of the National Emergency Grant for training of \$4.4 million. This is very good news. One of the things that I am most proud of with the people of our community and the surrounding communities. As Rob said, it is not just Wilmington and Clinton County, it is Highland County and Fayette County. Our take grade on folks who believe in themselves enough to change and get more training is higher here than it is any place else around that is going through the same situation. I had an opportunity to meet with some representatives of the State Board of Regents several weeks ago. They said, "We wish that you would talk to some of the other communities that are going through this." As you know, the National Emergency Grants are generally spawned and applied for based on warn notices – the notice of the layoffs. In other places, they are just not taking this money and doing the training. We said, "Send it down here. Everybody wants to retrain. They are taking the education dollars." You've heard that Southern State is full and looking to add space on campuses and all of the institutions as well. It just speaks volumes to me about the people that live and work and that are members of community. It is the same spirit that carries over into things like Holidazzle. As you said, the folks from out of town who met everybody...I just wanted to talk about that for a minute. It is very, very, very important. I just hope that we continue on doing that and everybody keeps pitching in like they're doing, because I think our community is going to be really well off sometime in the future. We have troubles now, but we can see light at the end of the tunnel. I think that is improvement. I also want to tell everybody to have a great Thanksgiving. Hopefully, you will be able to spend time with your families. We could have a lot to be mad about, but I still think we have a lot to be thankful for in our community. So, I want to wish everybody a happy and warm Thanksgiving. I hope to see everybody at Holidazzle. One other little ad...we're talking about all of this entertainment and everything...I had the opportunity to go to dress rehearsal last night for the 25th Annual Putnam County Spelling Bee at the college. It is absolutely a joy, and if you have an opportunity to get out this weekend, it is tonight, Friday and Saturday. You will really enjoy yourself. It is great entertainment. It is a Tony Award Winning show, and the students do an absolutely marvelous job. If you go, there might be a chance that you get to participate as well. So, make sure you study your dictionary. Anyway, that is all I have, Mr. President.

President Ertel: Thank you so much. Committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: Nothing tonight, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have a report. The first item we have tonight is an ordinance making miscellaneous transfers.

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

Motion passed

In absence of Director of Law Kathryn Hapner, Jason Besser read ordinance by title only.

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

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4884 passed as read.

Councilwoman Mongold: I want to thank Judge Carey for coming tonight. We discussed earlier. Any questions on the supplementals?

Judge Carey: That is why I came, in case there were any questions. That is all done?

Councilwoman Mongold: It's all done.

Judge Carey: Okay. So, I'm off the hook.

President Ertel: Thank you for coming.

Judge Carey: I love what I've heard so far, but I think I'll go home and spend time with my [inaudible for transcription].

Mayor Raizk: Before you all finish that, Judge, I want to thank you publically for working together with us so that we can make sure that we have...

Judge Carey: I want to thank you. I hope to make you proud and grow the program. I told a couple of folks on the different committees that I went in front of earlier that maybe this had to happen to bring it to the next level. We have been doing a lot of good things with our community service program and our probationers. We hope to make you proud.

Mayor Raizk: Thank you, Judge.

Councilwoman Mongold: The second item tonight is an ordinance making... Well, I did the appropriations. They're reversed on here. Miscellaneous Transfers. Did I say transfers on the first one?

Clerk Laura Curliss: The first one is transfers. This is supplementals.

Councilwoman Mongold: Okay. Maybe [inaudible for transcription].

[Laughter]

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

Motion passed

Jason Besser read ordinance by title only.

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

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4885 passed as read.

Councilwoman Mongold: That is all. Just a reminder. There is a finance meeting at noon on Monday, November 23. Thank you.

President Ertel: Very good. Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: We have three items tonight, Mr. President. The first item is the resolution having to do with participation in the Clean Ohio Revitalization Fund. We had the first reading at our last meeting.

A motion was made by McKay and seconded by Popp to suspend the rules and give the second and third reading on the resolution Authorizing the City of Wilmington to File an Application to the State of Ohio, to Participate in the Clean Ohio Revitalization Fund, by title only.

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2180 passed as read.

Councilman McKay: The second item is the continued deferral of the sewer system rate increase. Once again, the first reading was at the last meeting.

A motion was made by McKay and seconded by Popp to suspend the rules and give the second and third reading on the ordinance Authorizing the Continued Deferral of the Sewage System Rate Increase Scheduled for January 1, 2009, and Authorizing the Deferral of the Sewage System Rate Increase Scheduled for January 1, 2010, for a Period of One Year, and Declaring an Emergency, by title only.

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4886 passed as read.

Councilman McKay: The third item is a resolution having to do with the purchase of the Union Building on Nelson Avenue. There is a time element associated with this. Are there any questions or discussions?

Councilwoman Peterson: I have a question, and I apologize. I did not realize it was on for three readings. I just have a quick question. It has been a few weeks, and I need my memory... This building is interwoven with the deal...

Mayor Raizk: Yes. The Union Hall. If you look at the property at the Kautex-Textron facility, you may not realize it, but the Union Hall is not part of it. It is about 1.15 acres, I believe, that is out of it. It is kind of essential to the development of the whole property. Especially, that portion which the county is going to acquire for the parking, because their interest will go right next to it. Then, it would just kind of complete it. All of the other properties kind of surround it. The question was asked, and appropriately so, number one, if we could get an option on it (which I did try to do) until the grant was approved. But, it is a small piece of property, they were not willing to do that, and they did have other interested parties. The building is viable and it is zoned appropriately and so forth. We were able to negotiate what we think is a very, very good price. In the unlikely event that we do not pursue the project, this is a piece of property that we could very easily get rid of without hurting us.

Councilwoman Peterson: Thank you.

A motion was made by McKay and seconded by Peterson to give the first reading only on a resolution Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Real Property Owned by United Brotherhood of Carpenters and Joiners of America (1.154 Acres More or Less) and Declaring an Emergency. .

Motion passed

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2181 passed as read.

Councilman McKay: That is all I have, Mr. President.

President Ertel: Thank you so much. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: We finished up Warren Drive. We're doing a little cleanup there, but that project turned out real nice. We have started the Nelson Road project. You'll find delays at times out there on the south end of Nelson right now, but Warren Drive, as we got down there toward Nelson Road, we got into some real muck. We had a milling machine that was milling up the old asphalt. It was

taking it out in layers. When we went back out there, it was buried about three feet deep. We had a quite of bit of stuff backed in there. It turned out real nice.

Councilman McKay: On Nelson, did we anticipate it would be closed at all, or will it always remain open?

Service Director Larry Reinsmith: I think it is going to remain open. They are working on storm lines right now, and they have been working around it.

President Ertel: Okay. Anything else, Larry?

Service Director: That is it, Mr. President.

President Ertel: Thank you. Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Jaehnig and seconded by Wells to approve the Hotel Lodging Tax – 3rd Quarter and the Auditor-Treasurer Report – October 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on December 3, 2009, with President Fred Ertel presiding.

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

Sgt. Ron Cravens was also present.

Council gave the Pledge of Allegiance to the flag.

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

Absent member excused.

A motion was made by Wells and seconded by McKay to approve the minutes of the last regular meeting, November 19, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this point, I would like to recognize Debbie Stamper, I believe, for the Clinton County Bicentennial Commission Presentation.

Debbie Stamper: Stamper thanked the Mayor for suggesting in October 2007 that a commission be formed to start talking about planning the Bicentennial Celebration. She said that there were two different ways that people could market items for the bicentennial – either by purchasing the rights to use the official bicentennial logo or by creating commemorative items on their own, which do not use the logo. She introduced Terry Thompson of The Pattery to discuss merchandising at their store.

Terry Thompson: Thompson discussed the items being presented at The Pattery for the bicentennial. He said that they have a potter who is making lamps and other items that have “Clinton County” or “Wilmington” on them. Some other items have “Clinton County, Established in 1810” on them. He said that these are handmade and will be created based upon demand. He said they also commissioned Verdin Bell out of Cincinnati to create bicentennial bells. These bells read “A Place Called Home, Clinton County, Ohio, Established 1810.” He said that Verdin Bell is the same bell that created bells for the Ohio Bicentennial and that they are known worldwide for their quality brass bells.

Debbie Stamper: Stamper expressed appreciation for all of the people who had worked so hard on the bicentennial thus far. She said that she was the spokesperson by default, but that actually others had done a great deal of hard work. She handed out a brochure and said that the theme for the bicentennial is “A Place Called Home.” They worked with Orange-Frazier Press and the Clinton County Foundation in order to get permission to use this phrase. She outlined the current committees established by the Bicentennial Commission. These included: Marketing – Kim Parks; Education – Chris Burns-Dibiasio and Mary Ann Raizk; Finance/Treasurer – Randy Riley; Special Event – Charlotte Fahrner; Downtown Decorating Person – Christine Krisa; Community Vision – Laura Curliss and Chris Schock; History and Legacy – Kay Fisher and Jennifer Hollon.

Debbie Stamper: Stamper went on to say that one project that had been going on in 2009 was the barn quilt project. She said that the first barn was revealed in July and was at the horse barn at the fairgrounds. Stamper said that the barn quilt project is happening throughout the state of Ohio and the nation. There is a National Barn Quilt Trail and she foresees that Clinton County could become part of that trail eventually. Stamper said that Diane Murphy and Carole Earhart have both been instrumental in this project. They have put in 2000 volunteer hours thus far. The project has used 120 pieces of plywood, 230 sticks of 2x4's, and 60 gallons of paint. She said that there have been numerous volunteers, including out-of-town youth groups. The barn project includes 46 barns at the present time and they will be ending the project through the end of 2009. They anticipate that there should be around 50 barns involved in the project. Stamper went on

to say that each barn costs \$400 to do, with a \$200 commitment from the barn owner and a \$200 commitment from a sponsor. This amount can be compared to Miami County where barn quilts were painted by a commissioned artist and cost \$6000 each. Sponsors are still needed for the barn quilts. Anyone interested should contact Diane Murphy.

Debbie Stamper: Stamper then talked about the Education Committee of the Bicentennial Commission. She said that they are currently coordinating with the third-grade classes at the schools on bicentennial learning modules. They plan to do time capsules and will have a travelling trunk that will focus on the history of toys. Students will also be writing essays based on historical photos on display. Stamper said that an educational symposium with Wilmington College and Southern State Community College is in the early planning phases.

Clerk Laura Curliss: Curliss said that the official Fourth of July Parade for the Bicentennial will be the Blanchester parade. She said that she hoped that the city would be able to build a float for display at that parade. In addition, Curliss said that the CMH Ball was also going to carry a bicentennial theme and re-enactors in period costumes (including Fred & Susan Ertel and Curliss herself) would be performing historical dances at the beginning of the ball.

Debbie Stamper: Stamper added the Curliss and Chris Schock would be reworking the Elmer Williams survey and that they would be holding an essay contest for children. The theme of the essay contest would be the child's vision of the future of Clinton County. Stamper introduced Kay Fisher from the History and Legacy Committee.

Kay Fisher: Fisher said that she had been working alongside Jennifer Hollon on the History and Legacy Committee. She said that representatives from the other three historical societies in the county, the Quaker Heritage Center, and representatives from all of the villages in the county have been invited to participate in the committee. Fisher outlined projects that her committee had been working on, including the Bicentennial Bits in the newspaper and regular bicentennial history programs that will be offered. In addition, Fisher said that May was going to be declared Clinton County History Month. Fisher added that they would be creating a Passport Program, where children and adults could visit historical places in the county and get their passport stamped. A completed passport gives eligibility for a grand prize. Fisher said the Clinton County Historical Society has been working on a bicentennial activities workbook aimed at third graders in the county. Jennifer Hollon is the artist on this book and a one-year supply will be provided to all teachers and students in the county. Fisher also mentioned bicentennial yardsticks, a perpetual calendar with historical events outlined on it, and a pictorial history book that will be published by Arcadia and will be available at large chain bookstores. In addition, Fisher said there was a collaboration between Jennifer Hollon and the Auxiliary to present a photographic program at the CMH Ball.

Debbie Stamper: Stamper said that in terms of marketing, there is a dedicated website for the bicentennial. It is www.clintoncountybicentennial.com. Stamper said that some special events for the bicentennial will include a haunted historic Wilmington tour, a sports day in August, an ice cream social, and three garden tours. In addition, Stamper said that bicentennial coins are being sold by both the county and the city in order to raise funds. Also in terms of fundraising, the group formerly known as the Optimist Club has agreed to do a fundraising effort for the bicentennial.

Clerk Laura Curliss: Curliss said that the official date for the bicentennial kickoff will be February 19 and will be held at the mezzanine at the Clinton County Courthouse. There will be a bell ringing, and period costumes are encouraged for the event.

Debbie Stamper: Stamper said that on March 6, 7, 8 there will be a music concert featuring historical pieces. This production will be a collaboration between Wilmington College and Larrick Productions. In addition, Stamper mentioned that Holidazzle plans to have a ball to celebrate the bicentennial as well.

[Applause]

President : Thank you. Okay. At this point, I would like to recognize Rob Jaehnig to talk about Holidazzle recognition.

Councilman Jaehnig: Thank you, Mr. President. In the audience today, we have some of the committee, as we just completed our third annual Holidazzle this past weekend. We're very pleased with the outcome, with the attendance (which was a record for us), and the parade participation (which was also a record for us). Considering the difficulties of the year, we thought it was a great showing of public spirit and support for the community as a whole. Coming together, we still have a great deal to celebrate and to be thankful for, and that was truly seen in spades this past weekend. We were very happy with the event. With us is Steve Brown, obviously of Main Street, which was very involved organizing the [event]. Connie Abirached, who ended up on triple duty by the time it was done and taking over entertainment and vendors partway through the year to work with that. My wife, Keri Jaehnig, who helped us with the social media and getting the word out and surveying. Many of you should have the emails in your mailbox with the Holidazzle survey. We would really greatly appreciate if you would take the time to fill that out. That really gives us feedback on how we are doing, what we are doing, what you would like to see, what you weren't happy with, you know, that type of thing. We truly are looking to grow and develop as we go. Tammy McKay, who was our secretary, did an excellent job at keeping me on track as I tend to wander through meetings as ideas pop into my head. So, thank you very much, Tammy. Missing tonight from the meeting, obviously, is the chair of the parade, Molly Dullea, who, for the third year now has done an absolutely fantastic job at getting them out on the street and getting the participation. We had some incredible floats this year. Also not here is Maria Butcher, who worked on our media this year and really came in from behind the eight ball and did a fantastic job on that. Deanna Liermann came in and helped with the parade this year. Then, of course, Eric Haag and the FFA, who, without them, there would be no Holidazzle parade. They put out about 60 students this year to help us put it on the street and help us organize it out of the high school and really do a fantastic job and they should be very, very proud of how much they give back to the community. I thank the committee for everything they have done. They have really done an amazing job. Considering how small the committee is and how much was completed, it is a wonderful thing. We are looking for additional people next year. Obviously, it is the bicentennial year. We are looking to add things. Some of the things we are talking about, while Debbie is a little ahead of me in regards to the Holidazzle Ball. It is something we are considering and we would like to see about doing it. We want to add to the actual event itself, up to and including, with the permission of the commissioners, blowing up the courthouse or millennium pyrotechnics off of the courthouse building, as the finale to our bicentennial year. I think we can get the funding to pull it off. That is something that Rozzi's assures us can be done at a reasonable rate and very safely. We have a lot of great ideas, but to be honest, there is only so much this small group can do and we need some additional people to help pull it off. Also, Holidazzle is on Facebook, so if you are a social media guru and you love Facebook and Twitter, please join us on Facebook. It is a great way to get your voice involved. In less than about 2 ½ weeks, we ended up with 255 fans, and they have been quite vocal. We had a lot of fun with it. Thank you all very much.

Unidentified female speaker: [Inaudible for transcription]

Councilman Jaehnig: Yes. Thank you very much. I did. Cindy Shivers was our treasurer this year from a Song and a Story and at the same time was running her own event that she was gracious enough to move and become a part of Holidazzle at the very beginning, and that is Merry Tuba Christmas. We greatly appreciate her efforts. Then, I don't know how I can forget Trevor Shoemaker. Without his help at the Murphy Theatre and everything the Murphy did for us... we definitely could not have had such a wonderful event without them. Obviously, Trevor also thankfully has electrical genius and is able to get our vendors up and running and provide electricity for all of our vendors out there. Thank you so much for reminding me. Anybody else I forgot, because I am sure there are others.

Unidentified female speaker: Well, there is one person that helped you with sound and so forth that you might want to mention.

Councilman Jaehnig: Well, Tom Ibaugh; he got paid.

Unidentified female speaker: [inaudible for transcription] for hopeful future support.

Councilman Jaehnig: Yes. In fact, Tom Ibaugh did such a nice job. We stepped out and we have a Holidazzle Parade DVD that we are actually going to be able to get out in time. So, if you had somebody that was in the parade, on a float, in the band, and you want a copy of the parade, we have it on DVD. We are going to be able to offer it up for sale as a fundraiser for next year's event. Yes, Tammy.

Unidentified female speaker: You also might remind everybody [inaudible for transcription].

Councilman Jaehnig: Obviously, Randy and Timothy are announcers extraordinaire. Timothy taking on the Holidazzle Street Spectacular this year, which we had some logistical issues with. There were many things we actually had planned to add to it, but we ran into logistical "can't get here from there" problems. We will get those added in next year. Then, of course, Randy [inaudible for transcription] has announced the parade. I'll tell you, I've never seen the parade...seeing it setup, and I have never seen Randy announce the parade, other than the very end when he announces Santa Claus. So, to watch it on DVD and hear him doing Randy's best, it was quite entertaining and quite funny. It is a great listen. Anybody else I've forgotten. Of course, my beautiful daughter. I thank the city for working with us...the Fire Department and the Police Department. You guys are great, as always, ladies too. You really did a good job of taking care of us. I guess that is it, Mr. President.

President Ertel: Thank you so much. A round of applause for you and Holidazzle.

[Applause]

President Ertel: Very good. That concludes my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: I don't have a lot of official things to say, but I do want to say, I think the real test of this kind of event like Holidazzle is what people say about it afterwards. The first year, a few comments, the second year had a few more comments. This year, almost everybody that comes up to me, say "Hey...boy...that was a great parade. That was a great event." Unsolicited comments have been so positive from just folks that were able to participate. Folks that had nothing to do with it but just enjoyed having it in their community. Kudos to everybody. It was outstanding. It is amazing to me, with all of the trouble that we have gone through and are still going through, that we started out and it just got bigger, and this year it was even bigger and better yet, when it could have so easily not have been that way. To me, everybody, everybody is to be congratulated. It is so hopeful and so much bigger and next year it is going to be bigger and better. People are saying "Hey, we can't wait until it comes around again." I think that is so important. Thank you and a huge congratulations to all of you. You have these coins so you can see what the bicentennial coins look like. The ones that Laura passed out to you are not enameled on the back. There are actually coins that are enameled both ways, with the county logo on the back and the city logo on the front. These coins we had minted this way so they could be used as official...we can put them on plaques as our insignia and so forth. But, you have to give them back.

Clerk Laura Curliss: The public can buy them colorized on both sides for \$20 at the Auditor's office.

Mayor Raizk: These that are not colorized we are going to charge \$17.50. No, we're making that up.

[Laughter and Inaudible Banter]

Mayor Raizk: I do want to say...this logo is great. The more I see it, the more I think we have really struck upon a wonderful logo. We are also, at all of our entrances on our corporation signs where we have Wilmington, we are in the process of having this logo,

a round sign, that will be underneath that logo, the same size as our Wilmington sign, at least in inches, in the full color. Denny has been working on it, and we have already passed the proof on this. We will have an additional sign that says our 200th Anniversary, a strip sign. So, I think that is going to really make our corporation signs look sharp. I wanted to share that with you. I think that is all I have right now.

President Ertel: Very good. Thank you. Let's move into committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use – In the absence of Chairperson Sandy Mongold, Councilman Wallace: Sandy is not here this evening, so I have been designated speaker this evening. We do have one item to vote on. As you are aware, we are in the process of applying for a grant to get the property now where the Kautex plant is located. In that process, they issue out points. Of course, the more points we get, the better chance we have of getting a grant. We are in the process, also, of attempting to get the Carpenters' Union Hall, which is a separate deal here. What we want to do is add that into the strategic plan, which gives us a couple of more points for the grant application. If there are any other questions, you can direct them to someone who can better answer the questions than I.

Mayor Raizk: I would be glad to do that as our consultants have reviewed our application. We don't want to apply for a grant and just throw it out there, we want to make sure that we get it. We are looking to make sure that we point higher than anybody else as we can on this project. So, this has been to planning commission, which is the proper procedure to amend a strategic plan or a master plan, so we put that before planning commission. Now, it is coming back to you. We need your help in doing this. Is it strategically important to be part of the master plan necessarily, No, but it does give us more points, as you said, Mike. We really need your help on this so we can get this put together. We've taken it to planning commission. They have approved it and made their recommendation for council to adopt it.

Councilman Wallace: Thank you. Are there any other questions?

Paul Hunter: I have a question. We use that for the city garage, for example, that will become a salable property. We will sell those properties now. Like the motor pool. The Street Department. You're going to move that over there.

Mayor Raizk: It is possible. I think what you are asking, Paul, and let me see, is once this is mitigated and the city has the property with the free and clear title and the EPA taken care of, this property can be leased for a business incubator. There are other uses just than specific city use. Am I saying that correctly?

Clerk Laura Curliss: Yes.

Paul Hunter: Because what I read here, essentially, was that you might move the Street Department over there and then the Street Department then becomes excess property?

Mayor Raizk: Right. It could be. It could be. Also, this property...there is a building, for instance...should we not go that direction on part of this property where there is a large building, that building could be leased to commercial enterprises.

Paul Hunter: You would go into the leasing business [inaudible for transcription].

Mayor Raizk: We never have, but if somebody says, "Hey, I need 100,000 square foot of space and I need it tomorrow," you know, there...

Paul Hunter: There sure is enough space over there.

Mayor Raizk: There is. It is large. But to answer your question, yes, that would be correct. That would be excess property that then could be sold off.

Councilman Wallace: Are there any other questions?

A motion was made by Wallace and seconded by Peterson to give the first reading only on the ordinance Amending the Comprehensive Land Use Plan of 1974 to Add a Strategic Plan for the Properties Located at 474 and 360 S. Nelson Avenue (The “Kautex-Textron” & “Carpenter’s Union Hall” Properties) in the City of Wilmington, Ohio.

Motion passed

President Ertel read ordinance by title only.

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

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

President Ertel read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4887 passed as read.

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: The only thing I wanted to mention, is before the next finance committee meeting, which I believe is December 14, I will have revised schedules that we had during the work session to show the actual year-to-date information up to the end of November along with the budget for next year. So, I will have that available. Not only for finance committee members, but I will make sure that everybody else that is not on finance that is part of council gets a copy of that. That is all I have.

President Ertel: Thank you. Finance Committee?

Finance Committee – In the absence of Chairperson Sandy Mongold, Councilman McKay: In Councilwoman Mongold’s absence, I will do the finance committee report tonight. The first item is an ordinance making miscellaneous transfers. Are there any questions regarding that?

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

Motion passed

President Ertel read ordinance by title only.

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

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

President Ertel read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4888 passed as read.

Councilman McKay: The second item is an ordinance making supplemental appropriations. Are there any questions regarding this?

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

Motion passed

President Ertel read ordinance by title only.

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

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

President Ertel read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4889 passed as read.

Councilman McKay: The last item is a first reading on our appropriations for current expenses and other expenditures for the City of Wilmington during the fiscal year ending December 31, 2010, better known as the budget for the city next year.

President Ertel: Don has a question.

Councilman Wells: May I say something? I would briefly like to explain why I will be voting “no” on this first reading tonight. After listening to what David said about our projected revenue for next year and realizing that this budget is 25% over that revenue, I just cannot vote for this. However, I realize that we trimmed it down and we need to do something, so I would like to see the City Council and the Mayor work together to come up with some kind of a plan. I believe we need to cut spending and try to reduce it as much as we can, because I’m afraid in the year coming after that we might be in worse shape and have to take more drastic measures, and that might jeopardize the safety of the city, its citizens in Wilmington, through layoffs or even increasing taxes. I think we need to do something more to reduce spending, and I just wanted to tell you why I am voting “no.”

Councilwoman Peterson: Could you give me just some perspective on what examples reductions that you would like to see?

Councilman Wells: No I cannot at this time, because I think that is something that we need to come together and talk about. You know, I am not on the Finance Committee. I know they had a meeting and I thought maybe at that time something might be addressed.

President Ertel: What would that something be?

Councilman Wells: What would it be? I don’t know; I’m not on the finance committee. But, I’m just saying...

President Ertel: It was open for everyone on council.

Councilwoman Peterson: We had the budget workshop.

Councilman Wells: Yes. I was at the budget workshop.

Councilman Jaehnig: And you did not mention that at that time.

Councilman Wells: And that’s exactly right. I have every right to vote “no” tonight, and I can say what I want. I don’t understand why you’re attacking me now for...

President Ertel: Oh, we’re not attacking you. We are asking you.

Councilman Wells (simultaneously): Finance committee meets at noon and I can’t be there at noon at every meeting. I try to make as many meetings as I can, but I can’t always be there.

President Ertel: We’re not attacking you. We are just asking you...you may have some insight that you could share with us.

Councilman Wells: Of what we can cut?

Councilwoman Peterson: Yes.

Councilman Wells: No. I don’t think that’s up to me right now to be telling you what I think we could cut. I think we need to come together – the Mayor, the Finance Committee, and I think we ought to talk about it.

President Ertel: Sure. And that was the whole purpose of having all of the meetings with the departmental heads and so on and so forth.

Councilman Wells: And that's exactly right. And at that time I listened to what you said. Am I not allowed to voice my opinion now?

President Ertel: You can voice your opinion now, but it would have been very helpful and fruitful to have voiced it...

Councilwoman Peterson: I agree, because I really am very interested in knowing...

Councilman Wells: What bothered me is 25% of the projected income is pretty large, and if we keep doing this year after year, I think we're going to get in trouble. I don't see anything improving in the next year. I know we have the carryover and we'll be using that up. I just think...I can't see anything wrong with having...

TRANSCRIPTION INTERRUPTED – END OF TAPE

Councilman Wallace: ...we're spending more than we're bringing in and that is really kind of what I think he is trying to say. That is what I am hearing. I don't think anybody...I'm the same way. I would like to say "no," except I sat in the meetings and I accepted the information. I thought our people did a good job in reducing what they did. Then you see the total numbers and you think, "Holy cow!" We're lucky that we've got an excess. I guess the thing that I want to propose is sort of what Don said, maybe kicking on what he said. I think it would be great for us to maybe come up with some kind of a task force committee. We all know that these are hard decisions, and we've got some extremely tough decisions in front of us in 2010 that we have to make. I think [inaudible for transcription] year to find that \$2 million that we can eliminate, so when we come together 12 months from now, we have a plan and we can say "This is going to work." That is the main thing that I want to say tonight. I've got to vote for what it is, because I've been accepting the numbers that have been thrown out me all the way through, and I've worked through that. I understand. I think our people have done an yeoman's job in trying to get us where it is at. We all really know some of the basis of the dollars that we're spending right now. These are the hard calls that we've got to come up and we've got to face this year. I think next 12 months, if we start now, I think it will be easier by the time we get to 12 months from now.

President Ertel: Good point.

Councilman McKay: I will speak for the finance committee and chairman Mongold. We have all talked about being very oversight-active this next year. We certainly want to come together every month and we probably want to come together quarterly and have some benchmark discussions and make serious decisions at those times. We certainly are ready, with the administrations help, to make the decisions we need. I think everyone involved in this process is ready to do that.

Mayor Raizk: I would just like to say, I appreciate everyone's comments. I want you all... and I think you do appreciate how hard we have worked over the last three months on this budget. We started this process really at the end of the summer trying to start putting things together. One of the things that needs to be realized is that we do not have an expense problem; we have a revenue problem. The reason why I say that... you say, "Well, you can push and you can cut and you can cut and you can cut." Well, we are at the point where really any further cuts is going to be elimination of what the public and what council and what many folks in the community consider to be essential services. We are a personnel-oriented business. It has been my goal, and with the cooperation of all of the employees of the city of Wilmington, who we owe a debt of gratitude to who have worked this last year without any increase and looking forward that is our plan as well for next year, which is what this is based on. If we go much farther than that, we are talking about elimination of personnel, because we have capped the wages of where we're at. I want people to understand that really is the next step. My goal has been, and I will defend it in any way I can, that we have enough people out on the street. I don't want to put anybody else out there as well. Plus, the fact, we are not an overstaffed organization. The entire city is not an overstaffed organization. We run lean, we run mean, and we are stretched pretty thin. But, that is okay; we have great people and they

do a terrific job. They can do that. I just want to be clear about, as you all look at places or at scenarios, I want to be clear about what those scenarios are really going to take, because any substantive decreases in this budget are going to have to come from personnel decisions. There really isn't – and those of you who have been through with your committees and everything understand that – there is just not really anything extra. There are a lot of zero-items on some of these line items. I want to make sure that everybody understands that. I also want to say historically that while the 25% sounds big, it is not unprecedented. We have never had a budget... and I've been associated with this organization for now 26 years... we have never had a budget that we haven't had carryover as part of the budget. Now, it has been lower sometimes and it has been higher sometimes, but it is part of the budget simply because of the way we receive our revenue. We have had some good times and some bad times – no question. But, the revenues that we have been receiving, while some have been higher others have been lower, and that really is what has kind of been getting us a little bit this time. My goal in working with all of the departments in preparing the budget was to minimize the impact on the carryover as much as we possibly can and to preserve enough to make sure that there would be an adequate carryover to do 2011. Because I'm not just thinking about 2010; I am thinking about 2011, because I agree that it is still going to be tough. It is not a rosy picture by any means. So, that has been the philosophy. That has been what we have tried to do with this budget. I think we have done it. I know there is a \$2 million dollar carryover. I think with some of the revenue projections that David is going to have and some of that, it is not going to look quite as bad as that when we get a little closer to the end of the year. It is going to be less than \$2 million. On my heart, I want to make it as less than \$2 million as we possibly can. I just want to be clear about the process, where we are, and if we go forward... Don's concerns are legitimate. I understand exactly what he is talking about. I want to be clear about where we are on that. It is not a matter of trimming here and trimming there; it is a matter of some substantive decisions if you're are going to try to reduce that budget, and that is going to affect a lot of people.

Councilwoman Peterson: I think reasonable people can look at the same information and disagree. Don, if you have some suggestions, you'll have my support. But, your comment was if we don't do something, we are going to have layoffs. Mine is... I'm looking at it just the opposite... if we cut more, there will be layoffs.

Councilman Wells: You can't overspend year after year after year and not have consequences. I don't see anything wrong with starting the process now of thinking about the future.

Councilman Jaehnig: I agree in regard to that particular statement. One of the things, coming from a business background, one of the things that has always got to be taken into consideration is that it is not just about the numbers on the piece of paper. It is about the effect in the marketability and the feasibility of the city. While, yes, we probably can go through and we probably can cut the \$2 million out of this particular budget, but long-term, if we do that, what type of damage are we doing to the marketability of the actual city? What we can do is bring in new jobs for our citizens by bringing in new businesses and getting back to that stabilization that we are working for. The city has carryover and that is put aside for these rainy day types of situations... these, for lack of a better term, end of the world type problems so that we can use that money to stabilize the situation and get back into a positive growth mode. The loss of DHL put us into that position. As a city councilman, I believe that part of my responsibility is not just to obviously spend money willy-nilly, but to make sure we are spending the money smartly, so that as we have opportunities come forward, we are able to take advantage of them and get these jobs back into the city as quickly as possible and re-solidify our tax base. I don't believe it is as simple as just looking "Okay, we have to have a balanced budget." If we use that simplicity, then I think we are jeopardizing our future. We have to balance the combination of the two. While I don't want to spend any more money than anybody else, I think that is something we always have to make sure we take into consideration. I don't believe we can just look at the numbers.

Councilwoman Peterson: I appreciate you bringing this up, Don. I think these discussions are very healthy.

Councilman Wells: Well I'm not saying that we have to balance the budget right now, I'm just saying I think we need to start the process to think about the future. I asked Geoffrey Phillips on Monday, "Geoffrey, what would we have to do to overcome this budget deficit on the projected revenue." Just real quick in his head, he said we would have to have those thousands of jobs that we lost, and I don't see that happening in 2010.

Councilman McKay: Geoffrey's solution was not to cut expenses; it was to increase revenue.

Councilman Wells: Right. Did I say anything wrong? I'm just saying we need to start a process and start working on this, because it is coming.

Councilman McKay: I appreciate everybody's comments, and I look forward to more creative and fruitful discussions on this topic. I think we will persevere. Thanks everyone. Don, thank you.

Paul Hunter: Don, you can do what the schools have done in the past, which is to have a board – a budget revenue monitoring board -- made up of council members and people of the civilian world to work kind of along council and the finance committee so the people out there know that everyone is working toward the same goal. Not just the inside the city – where we know it all and we want to do it all – bring in some outside people [inaudible for transcription] they know what's going on and any obstacles that are standing in the road. If we have to come to a tax increase, you really got to prepare the people slowly and intelligently, and it may come to that one of these days.

Councilwoman Popp: I just want to say from various budget meetings, I saw the department heads come in and they were so emotional about what they had to do. Some of them did not quite get to where they wanted to get to. They did their very best and they were very concerned that they couldn't cut everything that they wanted to get the numbers to go, but they cut everything they could. The department heads put their heart and soul into the budgets. I am sure that council will move forward and be good stewards of the monies. We will have the carryover and will be good stewards of that, and we will come up with a balanced budget in the future.

President Ertel: Thank you. Are there other comments?

A motion was made by McKay and seconded by Popp to give the first reading only on the ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio, During the Fiscal Year Ending December 31, 2010.

Don Wells voted "nay." All others votes "yea."

Motion passed

President Ertel read ordinance by title only.

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

Councilman McKay: That is all I have.

President Ertel: Thank you. Water Committee please?

Water Committee – Chairperson Mike Wallace: I was just thinking about the dates. No report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report.

President Ertel: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Thank you. Safety Director?

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

President Ertel: Thank you.

Reports:

A motion was made by Jaehnig and seconded by McKay to approve the Income Tax Report – November 2009, as received.

Motion passed.

Reports accepted as received.

President Ertel: 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.

President Ertel 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 Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, December 17, 2009, with President Pro Tem Sandy Mongold presiding.

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

Chief Hatten was also present.

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

Council gave the Pledge of Allegiance to the flag.

A motion was made by Jaehnig and seconded by McKay to approve the minutes of the last regular meeting, December 3, as received. Motion passed.
Minutes approved as received.

President of Council – President Pro Tem Sandy Mongold: I want to just make a note that you have the new 2010 committees listed in your packet, so please read that and keep it for next year. We do have a report tonight from Debbie Stamper from the Clinton County Convention and Visitors Bureau on their 2010 Budget and Marketing Plan. Debbie?

Debbie Stamper: Well, I do apologize for being here at two meetings in a row, but it is that time of year again. I can't believe it has been a whole year since I was here doing this the last time. You do have copies of what I am going to talk about, but I will try to summarize and make this as painless as possible. I first want to look at the tourism industry in general during 2009; it was tough. We all know it was tough. For the tourism industry, it was extremely difficult. In fact, I don't know if you are aware of this, but with the state's budget, the way things have been, there has only been money allocated to the Division of Travel and Tourism through June 30, 2010. They are working on some type of proposal to the governor to try to establish a private-public partnership to keep that going, so we don't know where that stands right now. We did see, because of the economy, the consumers' interest has changed – not really changed – but more and more they were looking for value for price. They wanted to have a breakfast the next day for free with their overnight stay. Rate was what it was all about. If they could get those things, they didn't care if it was a name-brand hotel, so it doesn't matter if it was a Holiday Inn or a Hampton or whatever, if they could get those things at a good rate, that is where they were staying. Also, for the first time, the meetings industry had to justify the expenses that they were spending on offsite meetings. As corporations were looking at their bottom line, there was a lot of scrutiny. You know, "Are we spending this money in the best way?" What that resulted in is there were less meetings, there were shorter meetings and we started seeing meetings being moved away from the major attraction cities like Las Vegas and Chicago and places like that. Instead, we started seeing them being held at what they are now referring to as "off the radar" cities. Because, you know, (and I don't mean this in a bad way) but if you are coming to Wilmington to the Convention Center and you're having a meeting – you're going to be meeting. They're not going to be playing as much, so that can work to our advantage. The business travel in general – in the State of Ohio 35% of all travel in Ohio is business related and 30% of that is for meetings, so you can see how significant that is in our state. Our business travel diminished as well as the pipeline was finished, as the jobs dried up, as we stopped seeing the people from the airpark. But we did see a slight increase in leisure travelers. It was kind of interesting. Our events stayed up. We even saw an increase in some of the events, as Rob can attest to, and the hotels reported additional overnights from leisure travelers, so that was a very positive thing. What was hurt the worst were more the megacities. In Ohio, the three C's, Columbus, Cleveland and Cincinnati were really hurt. They are still trying to reel away from that. The drive-to destinations did better. That is what we are considered. With the gas prices staying down, that really did

help. One of the things that I believe did help hurt us in our industry, and I think there have been many wonderful things done through the national media and all of the humanitarian efforts, but when I go out into the state, you know, people, the only impression they have of our community is doom and despair. It is very hard to entice people to visit your city for leisure or for business in that type of an atmosphere, so that has really worked to our detriment.

Debbie Stamper: In spite of everything that seemed negative, as you all know because I talked about it last meeting, plans are continuing on the bicentennial. As you know, those things we think will help bring people in next year, and, in particular, the barn quilt project because that is now part of a national project. Our forecast, our particular forecast for the bureau in 2009, we had anticipated being down 30% in income for lodging tax. We actually were down 20%, so we actually did a little better than what we had thought...so that was a good thing. The bulk of our advertising, we crossed all markets, but we did pretty much focus on the meeting market because we knew that would bring the most people in...that would create people staying in all of the hotels, especially if it was a large event at the convention center. One of the things that we started working on, and you have one of these...it was called "Bring it Home to Clinton County." This is going to be actually launched the first of the year, but this is kind of building on the "Buy Local" campaign. I will be going out and talking to groups, trying to drum up business from local folks to ask them to use their influence in the many associations and groups that they know out there in the state and try to send us leads. I know, sometimes people will say to me, "You know I'm a member of this. I never thought about asking them to come to Clinton County." We hope that this will work. We will be continuing with that. We also had a promotional video done in 2009 spotlighting our meeting facilities, so we will be using that in our marketing. On the sports marketing front, that was another area that we were trying to focus on. We thought we were going to be part of a submission for economic development funds. We didn't learn until about six months after the fact that we never were in the running. So, we had to start scrambling to figure out...we need to build an inventory of venues before we can really start marketing that group to those groups. So, we have now found someone locally. You may know her, Sarah Clark, who was the sports editor at the Wilmington News Journal. She is a nursing student now and she will be doing it now on a consulting basis for us, so it will be affordable. She will have that completed by May 1. She will be supplying us with a detailed inventory and also photography for us to use for our marketing material, so we are really excited. We remain proactive in our web marketing. We know that social media is a big thing right now, and that is something that we want to move into. I have had a Wilmington College intern since the beginning of the semester that I am meeting with tomorrow, in fact, and she will be giving us strategic plan to implement our social media for the county and for Clinton County's Convention and Visitor's Bureau. As we go into 2010, the focus will be to implement that strategy. We continue to meet with the lodging facilities. We didn't come up with any wonderful answers, but at least it was an opportunity for them to get together for us to brainstorm, for us to use each other as a sounding board, and to talk about...at least they know that they aren't the only one who was having bad times...so those worked out real well.

Debbie Stamper: In looking at 2010, the state, in their proposals for 2010, they are saying it is going to be less bad. That is kind of an oxymoron, I think. The fact that is going to be less bad, as you all know, you deal with the economy all of the time, but they expect to see smaller losses instead of small gains. Air flights will continue to decline. We hope that the gas prices stay down. If they don't, then we are really going to have a hard time. The new norm, as I said before, value is keen. We have to promote authentic experiences and the "re-" word is like the big thing for 2010 – like rejuvenate, reconnect – those kinds of movement/action words. Togethering is going to be very big. If you haven't heard of togethering, that is like girlfriend getaways. We see a lot of that. Grandparent travel – where grandparents are traveling with their grandchildren. Couples are actually grouping – small groups of couples. So, we're not seeing as many of the big group tours, but you are seeing these smaller – 8-10 people that are traveling together, and social media, which we are going to be working on, as I said. The US travel association did a study to figure out who is going to be traveling in 2010. They determined that there are 40,000,000 who don't know if they are going to travel – out of all of the people that they surveyed. So, what are they telling us? You better go after that

40,000,000. Now, that sounds like a lot of people, but if you take the whole United States and you take all of the destinations, that spreads out pretty thin, even if you can get those people to travel. The things that are going to influence them, of course, are cost and gas prices, as we have mentioned.

Debbie Stamper: As far as our marketing plan for 2010, to be specific, as I have mentioned, we are going to continue with what we did in 2009 but carry it forward and bring some of those projects hopefully to fruition. With our budget being down our past year, we now in two years have lost two people due to the DHL closing, so we have been dealing with personnel changes and so forth. That slows the process down a little bit, but we are continuing to be proactive. I will be doing a lot of printing pieces in 2010. We are going to be doing a professional meeting planner so that I can then go out and do sales calls with a meeting planner that lists all of our locations and then, as I said, we are going to be implementing the strategic plan for social media. Our 2010 visitors guide is going to be a little bit different this year. For the first time, we're going to have an actual visitors guide on the web. I don't know if you have ever been to a site that looks like a magazine and you actually click and it flips a page. Our visitors guide will be in print, but it will also be on the internet. It will have advertisers. So let's say you are going through my visitors guide and you want to click on this particular advertiser in Clinton County. You can click on it and it will go right to their website. I can give them statistics and they can measure their return investments for the dollars they are spending on that advertising. Like I said, we don't know what the state is going to do. If they do this private-public thing and it becomes a pay to play, we lose. We can't play with the big boys and pay for everything that they are now doing for us without paying for it. We are just going to have to wait and see.

Debbie Stamper: The last page of your booklet is actual budget. I am not going to go through each thing. The proposed budget will be down 20% in 2010. That means over a 2-year period we will have been down 40% from where we were. We are going to contribute with the mainstream contribution that we do each year. We still have our grant program. There was a small increase in it this year, but grant applications are now being reviewed by the board. I already mentioned that we are going to do quite a bit of printing with our meeting planner. We are going to do a sports planner as soon as we get that venue inventory done. Under professional fees, we are in 2010 and are due to have our 2-year state-mandated audit. Also, we will be paying to have that sports inventory done. In the research, the state is contracting again and we have contracted with them for another economic impact study. This will be for 2009. We know it is going to be down, but we really need a benchmark to know where we really are in terms of the number of people who visited and those kinds of statistics. It will give us a place to start as we build back up. That is pretty much it. Are there any questions?

[General thanks from council members]

Mayor – Mayor Raizk: I have a presentation. Councilperson Popp, will you come forward please? Tom and Emily, come on up. Leilani is leaving us at the end of the term, and we have a presentation to make with her. Leilani Popp is truly a community person. She is involved in so many things in the community and she gives back to her community in many, many ways. One of them has been her work here on city council. It is just one of the ways that she gives back to the city. It is my pleasure to present her with this plaque “In appreciation to Leilani Popp, Councilmember at Large, For Dedicated and Loyal Service to the Wilmington City Council and the Citizens of Wilmington, 1/1/08 through 12/31/09.” There it is. This is the first plaque that we have with our new seal. So, you get to break it in, Leilani. Thank you very much.

Councilwoman Popp: Thank you very much.

[Applause]

Mayor Raizk: Okay. I don't have any other official items tonight other than to wish everybody a very, very, Merry Christmas and Happy Holiday season to everyone here and in the community. You know the hour is getting late. If you don't have your shopping done, there is not very much time left to do it. That is all I have.

President Pro Tem Mongold: Thank you. Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: We do not have a report this evening.

President Pro Tem Mongold: Auditor?

Auditor – In the absence of Auditor David Hollingsworth, President Pro Tem Mongold: No report.

President Pro Tem Mongold: Finance Committee?

Finance Committee – President Pro Tem Sandy Mongold: I am going to ask committee member Mark McKay to do the finance report tonight.

Councilman McKay: Thank you, Madame President. We have three items on the agenda tonight. The first is the ordinance making miscellaneous transfers. Are there any questions?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4890 passed as read.

Councilman McKay: The second item is an ordinance making supplemental appropriations. Are there any questions?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4891 passed as read.

Councilman McKay: The final item is the second reading on an amended ordinance making appropriations for current expenditures of the city of Wilmington...in other words, the budget for 2010.

Councilwoman Peterson: What is being amended?

Clerk Laura Curliss: The budget. You gave it a first reading last time, and then in your committee there were changes that were made, so those need to be proposed by somebody.

Councilman McKay: Deputy Auditor Vance is in the audience if there are any questions, but they were fairly inconsequential changes in the order of a few thousand dollars.

Councilwoman Peterson: Okay. Thank you.

A motion was made by McKay and seconded by Peterson to amend the budget ordinance.

Motion passed.

Budget ordinance amended.

A motion was made by McKay and seconded by Peterson to give the second reading only on the ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio, During the Fiscal Year Ending December 31, 2010, as amended.

Wells voted nay. All others voted yea.

Motion passed

Law Director read ordinance by title only

President Pro Tem Mongold: The third reading will be on the December 30 meeting, which will be a special meeting to be held on December 30 at 7:30 am.

Councilman McKay: That is all I have under finance.

President Pro Tem Mongold: Thank you, Mark. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Jaehnig: I believe we have no report.

President Pro Tem Mongold: Okay. Streets Committee?

Streets Committee – Chairperson Peterson: If you recall, a few months ago we had preliminary legislation that had to be adopted in total to accept the stimulus funds for our road projects. This is the final resolution that needs to be adopted in total as well. Are there any questions?

Larry Reinsmith: This is just the Main Street project and Locust. The \$1.1 million. We should be getting the other legislation in the next 2-3 weeks for the 68 North project. This project will sell next month, and I think the other one will follow shortly thereafter.

A motion was made by Peterson and seconded by McKay to give the first reading only on a resolution (Final) Allowing the Ohio Department of Transportation to Perform Work on S.R. 22/3 in the City of Wilmington and Authorizing the Mayor to Sign a Contract for the Same.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2182 passed as read.

President Pro Tem Mongold: Is that all?

Councilwoman Peterson: Yes it is.

President Pro Tem Mongold: Thank you. Solid Waste/Recycling Committee?

Solid Waste/Recycling Committee: Chairperson Don Wells: I would like to say Merry Christmas to all of the citizens of Wilmington. I have no report.

President Pro Tem Mongold: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: I have no report other than to wish everyone a very Merry Christmas.

President Pro Tem Mongold: Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: Yes, Madame President, we have one item. This is a housekeeping matter. It just arrived in the Mayor's office this week. This is the first reading on a resolution authorizing the mayor to sign the CHIP Housing Program Revolving Loan Fund administration. We need the first reading tonight and the second and third reading will be on the 30th as this is a time-sensitive issue.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Sign the Housing Revolving Loan Fund Administration Agreement with the State of Ohio Department of Development for the Period 2010-2012 and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the second and third reading be on the Agenda for the December 30 meeting.

President Pro Tem Mongold: Thank you. Leilani, it been a pleasure working with you on council and I want to wish you the best. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: To continue the trend, I would like to wish everyone a very Merry Christmas and a Happy New Year, and I have no report.

President Pro Tem Mongold: Downtown Revitalization?

Downtown Revitalization Committee - Convener Leilani Popp – Merry Christmas everyone. I would like to just congratulate the “Buy Local” campaign for the 25 days of Christmas. It has been very successful. Before I came this evening, I counted a last set of entries, and we had 108 people that were in our store, Books ‘N’ More, that spent at least \$25. That is tremendous. Last week it was 70. I don't have the count for the first week, but it is growing every week and we are giving away some wonderful prizes. The last drawing will be tomorrow.

President Pro Tem Mongold: Parks & Recreation Committee?

Parks and Recreation Committee – In absence of Convener Mike Wallace, Councilwoman Peterson: We have no report.

President Pro Tem Mongold: Service Director?

Service Director- Service Director Larry Reinsmith: For those who are interested in Nelson Road, we are about 70% done with the storm that is going to be replaced. We will be shut down tomorrow for the winter. It won't take long when we get started back up in the spring to finish the storm. We will start the curb and gutter in the spring. That is all, Madame President.

President Pro Tem Mongold: Thank you. Safety Director?

Safety Director – Nick Babb: I just want to thank Leilani for her support of the safety services during your term of council. Merry Christmas.

Reports:

A motion was made by Jaehnig and seconded by McKay to approve the Auditor-Treasurer's Report – November 2009 as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: Are there any comments from the public or from councilmen? Paul?

Paul Hunter: This is directed at council primarily and solid waste particularly. I am bit confused over some information that has come to me over the past couple three weeks. To start off, I recently heard rumors that Waste Management, a trash hauling company, was dumping their out-of-city loads in our landfill. I asked Mr. Wells to check on that. The best I could get, you had confusing answers or he didn't get clear answers about it. Then I saw Mr. Maher at the budget work committee the other day. I asked him some questions. Mr. Wells and the Mayor were listening into this conversation. It was indicated that Waste Management was allowed to tip in our landfill in return for transporting and processing our curbside recyclables at no cost. This sounds like a good deal.

Mayor Raizk: Now, wait a minute, Paul. Let me...

Paul Hunter: This is for council, sir.

Mayor Raizk: No, no...I just want to say. They are hauling our recyclables for no cost, but they are being charged for their load. There is a tip fee.

Paul Hunter: I haven't finished.

Mayor Raizk: But that is what you said. I just wanted to clear that up.

Paul Hunter: They are hauling our recyclables at no cost.

Mayor Raizk: At no cost. Yes.

Paul Hunter: The dumping, Mr. Maher said, increases our revenue stream into the coffers of the Waste Department, which on one side is a good thing. Do we want our landfill to be a moneymaker or to be long-term for Wilmington? That is a rhetorical question. Mr. Maher further stated that Waste Management was becoming more and more reluctant to pick up our recyclables and process because, he said, "Every third load they dump the recyclables in another out-of-city landfill." The Mayor and I shook our heads and said "Wow, that kind of kills the whole idea of recycling." We are not saving our landfill and we're not saving the materials that the people are collecting. Wait...there is more. What is the point of a recycling program if it is going to be thrown in another landfill? In an email to me, Mr. Maher stated that Waste Management was tipping 10 tons per week and charged \$31 per ton. During a follow-up phone call, Waste Management corporate headquarters confirmed that an agreement existed to handle our recyclable material, but they had no record of any agreement for dumping company collected waste in our landfill. This is where the confusion sets in. I don't know who to believe. Waste Management's Michigan office referred me to their regional office in Fairborn. In answer to my questions, the company representative for our area sent the following message: "We haul 5-6 loads recyclables out of there a month," which that sounds awfully high. It comes here to our MRF in Fairborn. Wilmington allows us to stage roll-off boxes. In other words, they get to set roll-off boxes on our property in return for hauling away the recyclables is his indication. We haul 5-6 loads of recyclables out of there a month. It comes here to Fairborn's MRF, and Wilmington allows us to stage roll-off boxes on their property. In exchange, we dump their public trash boxes, a roll-off that is sitting there that the public dumps into. We don't have a truck that can handle the roll-off and they do that service for us. They are saying they are dumping our stuff in our landfill with their roll-off truck. No loads of recyclables are land-filled – none – at any place. That is what they are saying, which you would expect them to say. They are saying, unequivocally, that they are not dumping every third load of anybody's recyclables. We do not dump any other customers or boxes/products, dumpsters at Wilmington Landfill. That counters what we have been working here. They say they dump nothing in our landfill. I hope you can understand the contradictions involved in this situation are worthy of airing out. What is clear is that the council has been left in the dark about the real or imagined goings on at the landfill. Rather than

advising council of these events, it was left to a much-beloved outsider, me, to pursue the facts. Thank you. Somebody is not being straight here, is all.

Councilman McKay: Paul, what would you suggest we do?

Paul Hunter: Well, I don't know.

Councilman McKay: I don't understand the whole process.

Paul Hunter: I guess, in effect, I want council to investigate this and see where the facts lie.

Councilman McKay: Okay. You're just an investigator...

Councilwoman Peterson: Don, you're the chairman. I think Don...

Paul Hunter: You weren't aware of a lot of this, were you?

Councilman Wells: No. I spoke to Mr. Don Maher and I spoke to Davey. We spoke about this. I don't know the exact truth about what is going on with Waste Management, but I was told that we do want the revenue.

Paul Hunter: But, if you listen to Waste Management, there is no revenue.

Councilman Wells: I don't know that.

Paul Hunter: All of the correspondence is in the package that you got.

Councilman Wells: But I do agree that we are not saving our landfill if we are dumping in there.

Mayor Raizk: First of all, we have space in our landfill. The recycling program has been helping in that regard. Because of some of the reduced revenue stream that we've experienced, if we have the ability to take some of Waste Management's...this is not recyclables, this is just trash...that is a separate issue from the roll-offs. They provide the service to us, which is making our recycling program effective and as cost-efficient as it is, because we are not paying to have it hauled away as the county is paying the...

Paul Hunter: The residents...

Mayor Raizk: They are paying to have theirs hauled. What is helping us is that Waste Management said that they would do it for nothing, which they are doing. There is not a tradeoff. These are two separate transactions.

Paul Hunter: They are not dumping, according to their regional office. They are not dumping anything.

Mayor Raizk: Well, they are bringing trucks and tipping them. It is not recyclables. It is trash.

Paul Hunter: Their management is not aware or they are lying ... one of the two.

Mayor Raizk: Well, I can't answer that. But they do pay the tip fees and they do pay to dump their loads and they are bringing about that many loads...

Paul Hunter: Even the tip fees that I was told they are gathering don't match anything that is in the ordinance. Anyway, that is all in the package. I am asking Don to separate his chaff from the wheat, more or less.

Councilman Wells: We will have a Solid Waste Committee meeting to try to get to the bottom of this.

Paul Hunter: I have the guys name and phone number. Maybe you can have him come down...the guy who told me all of this stuff.

Councilman Wells: That would be a good idea.

Scott Kirchner: I would point out to the council and the mayor on this issue indicating that we have space in our landfill when we just implemented a 22% increase in trash rates to emergency expand this landfill because we did not have room. That seems like a contradiction in terms, but at the beginning of the year, that is what we did. As a council, we enacted a 22% increase to emergency expand the landfill. So, selling that space to an outside vendor making money on trash pickup while you are burdening the taxpayers with higher and higher fees to expand the landfill doesn't seem to be appropriate. I would just offer that thought to the thought that we have space in the landfill.

Scott Kirchner: 245 S. Mulberry Street. There is a copy of the comments I am going to make for council for each of you. You can put one in the record if you like so they don't have to type it all. There are plenty there, beyond the number of places.

Scott Kirchner: After reading of the city budget deficit identified for 2010 and further of the concern raised by Councilman Wells, I listened to the tape of the last council meeting and decided to attend this evening's meeting to address council on the issue.

Scott Kirchner: I first want to applaud the leadership demonstrated by Councilman Wells and Councilman Wallace in raising the issue and its' need for a plan by Council and the Administration. Due to the nature of the forecasting and budgeting processes, the deficit was not able to be identified until Council committees had completed their individual department budget reviews. This left Council at the disadvantage of not knowing the constraint until after the budget review process was complete. That meant that the Mayor or a member or members of Council would have to raise the issue and reverse the initial support of those budgets to address the issue. I am glad Councilman Wells and Councilman Wallace were up to that challenge.

Scott Kirchner: I was concerned to listen to the tape and hear the Mayor indicate "we do not have an expense problem, we have a revenue problem." I would equate that to an airline pilot saying "I do not have an engine power problem, I have an out of fuel problem." Spin it anyway you want, the crash is what you have to work diligently to avoid. There are no fuel pumps at thirty thousand feet, and there isn't a line of companies with 4000 jobs waiting to enter the city. It's time to make some solid decisions to give this city the best chance of minimizing the impact of the situation.

Scott Kirchner: Under this administration, the city payrolls have grown behind the arguments of needing to serve a 3 shift, ever growing city, a situation that has drastically changed. Prior to his leaving Council, Councilman David Hockaday shared his concerns regarding a city pay scale that would cripple our ability to grow and serve the community. It was a challenge to address a critical issue that to date, Council has not found the will and courage to address. Similarly, in the last budget process I participated in for the 2008 budget, I shared with Council the data that under the current Mayor, the city general fund budget had grown at a compounded annual growth rate of 7% which likely far outpaced the average income of its' citizens. The time has come that Council must act to insure our safety and preserve our ability to rebuild our economy.

Scott Kirchner: It is easy to be a critic from outside so I would instead offer some thoughts on actions Council could take immediately to begin to address the situation. The first would be to enact a hiring moratorium affecting all city positions. Allow any natural attrition such as retirements and resignations to act as an opportunity for council to review positions for potential elimination or combination with other existing positions. If a public oversight board as suggested by Councilman Wallace would assist, the Council then that make that a part of that. Second, I would encourage that Council streamline the administration by combining the Service Director's position with the Code Enforcement/Engineer's position recently created by Council. Third, I would encourage Council to recombine the Mayor's Executive Administrative position with the Director of Human Resources position. Fourth, I would encourage the second retirement of our

Police Chief, his replacement with the Assistant Chief and the elimination of the Assistant Chief Position. Those three administrative changes would cut city payroll and benefit obligations by over \$300,000 per year. The elimination of administration would avoid the impact to the frontline men and women who serve the needs of the citizens and return us to an efficient administrative operation the city has prospered under before.

Scott Kirchner: Next, while I am proud of and enjoy the park system the city has, I would encourage the council to cut the General Fund subsidy to it saving over \$100,000 per year. This money could mean the difference between losing a Police officer and a Fireman in 2011 and I think the safety of the community has to weigh heavier than paid positions providing recreational programming. Volunteer positions could be used to fill the desired programming levels and Council could begin work immediately to place a Parks levy on the ballot in 2010 to allow the public to decide if they are willing to accept the additional costs to maintain that level of Parks service.

Scott Kirchner: These are just a few ideas of the type I think Council must now consider. As a candidate for council, you asked for the privilege to represent the will of the citizens and as elected officials you accepted the responsibility of making those sometimes difficult decisions. I agree that we have the finest city employees around and I agree that I do not wish to see any of them lose their position unwillingly. If Council acts sooner rather than later to streamline the cost structure of the city, the impact could be mitigated through timely retirements and reduction in administrative overhead while we work to rebuild our fragile local economy.

Scott Kirchner: Our city has encountered the proverbial perfect storm of economic impact. The major contraction and consolidation of an industry that could use the airpark, the loss of, by far, the city's largest single employer, and the timing of the largest global economic downturn since the great depression. Any one of those problems would have brought challenge. The three together bring crisis and an immediate need for response. The citizens of this city and county didn't see the situation and look at their friends and neighbors and say, "we'll wait and see what happens," they took action immediately to begin to help one another. In my opinion, this council must now do the same thing. I do not envy the position you have as elected officials and that you find yourselves in trying to address these difficult times. I will end simply by saying that I come here tonight in support of your responsibility to do so, and offer my faith that you will find the wisdom and courage to make the tough choices we must. Thank you.

President Pro Tem Mongold 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 Pro Tem Mongold asked for a motion to adjourn.

A motion was made by McKay and seconded by Popp to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met special session on Wednesday, December 30, 2009, with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Weyand was also present.

President of Council – President Pro Tem Sandy Mongold: The first item on the agenda, I have a notice from the Ohio Division of Liquor Control that 863 Southridge, Inc. dba Quality Food Market 7 at 863 S. South Street has applied for a new liquor license and from current time until January 19, that will be on record on the Mayor's office if anybody would like to respond to that. That is the Marathon Station there, I believe, at the corner of Randolph Street. Swearing in of Elected officials – and we have the Honorable Judge Chad Carey with us today.

Chad Carey: Good morning.

President Pro Tem Mongold: We'll start with the treasurer.

Judge Chad Carey swore in Treasurer Geoffrey Phillips.

President Pro Tem Mongold: Would all of the newly elected council members please step forward.

Judge Chad Carey swore in Rob Jaehnig Councilmember, First Ward; Mark McKay, Councilmember, At Large; Sandra Mongold, Councilmember, At Large; Cindy Peterson, Councilmember, Second Ward; Bob Mead, Councilmember, At Large; Mike Wallace, Councilmember, First Ward; and Don Wells, Councilmember, Third Ward

Judge Chad Carey: Congratulations.

[Applause]

Judge Chad Carey: President, if I may, I can now be excused.

President Pro Tem Sandy Mongold: You may be excused. Thank you very much. Congratulations to all of the newly elected officials. Since I am serving in the role of President Pro Tem, I am going to ask Councilman McKay to assume the duties of Finance Chair today. Finance Committee?

Finance Committee – Councilman McKay: Thank you, Madame President Pro Tem. Our first agenda item is an ordinance making supplemental appropriations. This is the ordinance in which we do negative appropriations to make things come out the way they need to at the end of the year. Are there any questions?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4892 passed as read.

Councilman McKay: The second item is also an ordinance for supplemental appropriations – a year-end thing. Are there any questions about those?

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4893 passed as read.

Councilman McKay: The third item is our annual budget ordinance. There have been some changes since we amended it the last time. We need to vote to amend once again, if there are no questions.

Scott Kirchner: Could you clarify the amendments that you are doing?

Councilman McKay: I cannot, but I am sure others can.

Deputy Auditor Vance: There was \$1500 that we received that came back through the CHIP program. If you recall the housing program we had a couple of years ago, when one of the houses sells before the allotted time, we get that money back. It originally was deposited directly into the general fund when it came in. Then, after the fact, our counsel for that program told us several months later that that it then needed to have its own fund, which you, council, then set up. The other part of it – the trigger didn't get pulled where the money then got switched from the general fund to that special fund, so it was after we gave the first two readings of the budget for next year that we made that discovery. We transferred that \$1500 from the general fund directly to this special fund that needs to be set up for the use of that money exclusively, and then I added it to the budget for next year for that \$1500. That is the essence of the change - \$1500 was added to the CHIP fund, which is fund 251.

Councilman McKay: Are there any further questions?

A motion was made by McKay and seconded by Peterson to amend the budget ordinance.

Motion passed.

Budget ordinance amended.

Councilman McKay: Then, we are ready for the final reading on the budget. Is further discussion requested?

Scott Kirchner: Has council worked with the mayor to come up with a plan to address the deficit that is created by this budget compared to revenues projected for 2010 or address any of the suggestions brought before it on the 17th?

Councilman McKay: Our Finance Chair could answer that question.

President Pro Tem Mongold: We have had several discussions and we are moving forward with the budget. It is a budget – it can all change.

Councilwoman Peterson: I was also going to comment...a lot of the suggestions you had on the 17th were actually in front of a task force that examined the salary structure – I think it was about two years ago.

President Pro Tem Mongold: That is correct.

Councilwoman Peterson: I believe Danny Mongold, Geoffrey Phillips, Fred Ertel, several were on that task force.

President Pro Tem Mongold: Yes, and we met for probably a year and did come to a conclusion – that was accomplished.

Scott Kirchner: It is my understanding that nothing changed in the plan. Was that the result of that year-long task force?

President Pro Tem Mongold: That is correct.

Councilwoman Peterson: Was anything in that task force confidential that we can't share?

President Pro Tem Mongold: No.

Councilwoman Peterson: You're welcome to address anybody who was on that task force and maybe they can bring you up to speed on that result.

Scott Kirchner: I realize at the time you weren't facing massive revenue losses, so you probably weren't looking at combining/reducing administrative positions or the need to save \$2 million, but at this point, to me, those suggestions are new again, for reasons not related just to that pay plan.

Councilwoman Peterson: Actually, at the time, we were trying to be proactive and examine various possible reductions. You always have to assume...you always have to look at your money and how you are spending it, so I think that was [inaudible for transcription] approach.

President Pro Tem Mongold: David, you were in those meetings, correct? You were not in those meetings. Mary Kay, Danny, do you want to address it?

Dan Mongold: Basically, Fred Ertel was the chairperson of that committee. We did do a lot of research. We had a lot of research from other cities like ours and larger cities and smaller cities. Geoffrey Phillips was in on that also, in the meetings. We went through several meetings to come up with anything that is relative to how other cities operate and so on and so on. It was agreed upon that it would stay as it is at that point.

Scott Kirchner: Have we gone back to those cities as they face the same current crises as we do to see if they have perhaps changed.

President Pro Tem Mongold: If I recall right (because this has been, please understand, this has probably been a year since we concluded these talks), most of the employees – please interrupt me if I am wrong – most of the employees are already capped out on the pay scale and only get raises when we have cost of living raises...am I correct?

Dan Mongold: There is quite a large percentage. I would have to research that. I am not prepared to give numbers today about that. We have...

David Hollingsworth: I apologize. I was part of that, but we were looking at the pay scale. We didn't look at specific positions. That is something...

President Pro Tem Mongold: We talked a long time on that and all came to the conclusion that we would not change that pay scale.

Dan Mongold: A lot of that stuff, as I remember now, as Mary Kay just told me, we were in executive session when we discussed a lot of that stuff in those meetings.

Councilman Jaehnig: I think with the current budget and council, as we move into 2010, are distinctly aware, as is every employee of the city, that we have to make sure that we are being responsible to move forward in finding that balance between being responsible with regard to our expenditures and yet putting the city in the best position to move

forward and capitalize on any potential growth opportunities or reinvestment opportunities. I think Mike said it best – it something we are going to have to watch extremely closely in 2010. I think the budget, while it does put us in a deficit, is setting us up for the best possible opportunity to take advantage of moving forward and growing and moving the city in the right direction. My personal opinion is that the employees are well aware of it, the council is well aware of it, the administration is well aware of it, and it will be reviewed almost monthly.

Councilman McKay: Well, our finance committee will review items monthly, briefly, and then we will have a major quarterly finance committee review. We've made that determination. I think I can speak for all members of council, I hope I can, the members are pretty much not happy to vote for this budget as it stands, but it is the best that we have at this point, all things considered.

Councilman Wallace: I think we had everybody with the city's interest at best working to get it reduced. I think the key is that we have 100% of the city working to get to where we all know we've got to be. I think that is important. Yes, we are in deficit, but I think every department head and every employee knows that we are there and we are trying to get this thing [inaudible for transcription].

Councilwoman Mongold: Mr. Hunter.

Paul Hunter: From what I understand, we have a hiring freeze. Are we going to be attrited, or people who retire, resign or quit, we're not going to fill those. Is that what is going to happen? Did all the city employees pass up their pay raise and will continue to do so at least during the time of our difficulties?

Councilwoman Mongold: Mr. Mayor, would you like to address that?

Mayor Raizk: We are reviewing every position as it comes up. There are certain positions that may not be...if someone were to retire, have to be replaced. They are not necessarily general fund employees, but there are other employees as well that we're talking about here that because of certain certifications or whatever they would have to be replaced to still operate things like water and sewer and so forth. So, we review every position as it comes up. Is it necessary and can we get by. We have several unfilled positions right now in the police department of the complement that was approved by council, we are actually short a couple of officers that we have not replaced. Secondly, we are in negotiations with two of our unions. I believe you do have one before you today that will be resolved – our third union, and then we are moving forward with the no increase and the no step increase that as we have said. We will meet with our other employees in January once those negotiations hopefully are completed.

Councilman Wells: May I ask a question? When we have no money to pay these salaries, how shall we pay them?

Mayor Raizk: We will have to address that as we come.

Paul Hunter: Carry over.

Scott Kirchner: How many years of carryover do we have at this rate?

Councilman McKay: We're going to review this budget in three months. There potentially could be changes at that point, but we can't predict, obviously, 12 months out or two years out.

David Hollingsworth: As a general rule of thumb, we have looked to keep about 25% of the budget in reserve. That has kind of been our target. We probably have twice that right now with the carryover that we will have going into 2010. We basically have the year's worth of reserve, I guess, if you want to look at it that way, to use during the year. But, I am sure that everybody is going to be looking at it as the year goes along and those decisions as far as cuts that have to be made will have to be made. If the money is not there; it's not there. I think it is pretty simple.

Scott Kirchner: Has council considered a public oversight board as suggested on the 17th, a task force of the public to help review those positions and the hiring.

Councilman McKay: All things are on the table, but that has not been specifically decided.

Councilwoman Mongold: Wouldn't that be administrative – that would fall under the mayor.

Councilman McKay: Good questions.

A motion was made by McKay and seconded by Popp to give the third reading only on the amended ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio, During the Fiscal Year ending December 31, 2010.

Wells voted nay. All others voted yea.

Motion passed

Director of Law read ordinance by title only.

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

Wells voted nay. All other voted yea.

Motion passed.

President Pro Tem of Council declared Ord. No. 4894 passed as read.

President Ertel: Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: Yes, Madame President Pro Tem. We have the second and third reading today on the resolution that concerns our CHIP program for the next period of 2010-2012. Any questions?

A motion was made by Popp and seconded by McKay to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Sign the Housing Revolving Loan Fund Administration Agreement with the State of Ohio Department of Development for the Period 2010-2012 and Declaring an Emergency, by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2183 passed as read.

President Pro Tem Mongold: Leilani, once again, I wanted to tell you again how much I have enjoyed working with you on city council and I wish you the best in the future.

Councilwoman Popp: Thank you. I have enjoyed working with each member of council and wish council all the best in the years to come.

Councilman McKay: We hope you won't be a stranger.

President Pro Tem Mongold: Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have two items today, Mrs. President Pro Tem. First, I am very pleased to put a resolution forth allowing the mayor to enter into a labor agreement with the detectives and sergeants. I think it was an exceptional job in creativity and open-mindedness between both parties to move forward on this agreement, which allows us to continue with the no-raise annual or step increases. I think both parties were very open-minded and worked very hard to come to a very agreeable outcome to this. So, we are going to move forward. I would like to move forward with three readings tonight so that we can have this contract in place before the end of the year so that we can start off on a fresh note for the new year.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Labor Agreement with the Sergeants and Chief Detective Unit of the FOP Union and Declaring an Emergency.

Motion passed

Law Director read resolution by title only.

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

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

Law Director read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2184 passed as read.

Councilman Jaehnig: Thank you. Again, I say, the type of cooperation before both parties should be very commended and hopefully it leads to continued [inaudible for transcription] agreements between the city and its employees. The second item that we have today, in continued cooperation with communities around us, is a resolution for the mayor to enter into a dispatching agreement with Blanchester-Marion Township. This is a two-year agreement. This is just a re-up of the current agreement that we have been operating under, with no changes in regards to the next two years.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Dispatching Agreement with the Blanchester-Marion Township Joint Fire District and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2185 passed as read.

Councilman Jaehnig: That is all we have today.

President Pro Tem Mongold: Are there any other questions or comments?

Councilman McKay: Other than best wishes for the New Year for the City of Wilmington.

President Pro Tem Mongold: Happy New Year.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk