

Wilmington City Council met on Thursday, January 7, 2010, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

A motion was made by Peterson 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 Wells and seconded by Peterson to approve the minutes of the last regular meeting, December 17, as received.
Motion passed.
Minutes approved as received.

A motion was made Jaehnig and seconded by Wells to approve the minutes of the last special meeting, December 30, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel : I would like to announce the first public hearing on the 2010 CDBG programs. That is to be held January 21 here at 7:30 pm in council chambers. That is the public announcement for that. Having completed my portion of the agenda, Mr. Mayor?

Mayor – Mayor Raizk: No report, Mr. President.

President Ertel: Thank you very much. Moving into committees...Asset, Acquisition and Use?

Asset, Acquisition and Use –Councilman McKay: No report.

President Ertel: Thank you. Mr. Auditor?

Auditor – David Hollingsworth: Nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – In the absence of Chairperson Mongold, Councilman McKay: We have one item...in the absence of Chairperson Mongold. We were notified that we have a retroactive correction to the negative appropriations that remain at the end of the year. In other words, there was a small error. David?

City Auditor David Hollingsworth: Yes, I will explain what happened...as part of the special council meeting that we had...the state auditors a few years ago...we were cited. It wasn't a major citation, but they wanted us to make sure that our appropriations at year-end agreed with what we had actually spent. So, if we've appropriated more money than we have actually spent, then we have to go through and make negative appropriations. Well, In December, we had made some note payments that had not been posted to our records when we went through to see what items we needed to make negative adjustments to – the note payment account being one of them, or the bond account. We had spent money, but it wasn't reflected on the report before we went through and made a listing of what negative appropriations we were going to have to make. So, it looks like we actually spent more than what we had appropriated once that was posted. So, now we are going back and re-appropriating that money since it was spent, so that it zeros out. So, that is the legislation that you have before you tonight.

Councilman McKay: Thank you. And that is the amount, \$89,426.82. Are there any other questions?

A motion was made by McKay and seconded by Peterson 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 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; Mead, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4895 passed as read.

President Ertel: Is there anything else?

Councilman McKay: That is all I have, sir.

President Ertel: Okay. Water Committee?

Water Committee – Chairperson Mike Wallace: I really have nothing. You saw your packets this evening. The charts based on our last years' sales and you see some of the issues we're trying to [inaudible for transcription]. It is nothing new, it is nothing [inaudible for transcription], it is just for your information.

President Ertel: Thank you, Mike. Streets Committee?

Streets Committee – Chairperson Peterson: We have no report.

President Ertel: Tell me about the snow.

Councilwoman Peterson: We have no report.

[Laughter]

President Ertel: Okay. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have no report tonight, but I would like to arrange to have a solid waste committee meeting in the near future if we could get everybody a time and date. That is all, Mr. President.

President Ertel: Thanks, Don. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairman Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item tonight. In an effort to be as fiscally responsible as possible, the police department has found a way that we can make our auctions go a little bit smoother and a little bit quicker so that we are not storing things for so long. There are times that we are actually holding onto things for such a length of time that the value of the product drops substantially – either because of the weather, or it has been in storage and it is dirty and filthy, or it's worn down, or whatever. So, we are looking at a contract with GovDeals on the internet, which will allow us to process things immediately upon them being available to be put up for

auction, so we will not be storing things for a great length of period. It will allow us to turn things much quicker. They have had some serious luck in regards to this process up in Columbus and are getting much better bids on the products. They found a serious boost to these cities revenues because of that. I applaud Assistant Chief Weyand for pursuing this and I think it is a good deal for us to move forward. I would like to ask for the first reading if there are not any questions.

Councilman Wallace: I have one. Is there a way that we could get our local auctioneers involved? Because, once again, we are taking money away from the local guys. Is there a way that we can get them involved somehow, as maybe as an advisory committee or something? So they could say, "You know what, if you can get more money there than I can get for you, then go for it." Something like that...so that we can get them. It just seems to me like...I just know that one of the things that hurts these local auctioneers is this internet auctioning. I'm not trying to take money out of our pocket – don't get me wrong – but in the same sense, if it is going to be about the same dollar, I would rather give it to our local people.

Councilman Jaehnig: Mark?

Councilman McKay: My question was just about the process. I guess I am hearing that there is a certain length of time that we hold items until they are available to the auction. At that point, they will go on the internet auction site as though it were an E-bay type situation?

Assistant Chief Weyand: As it stands now, currently we typically hold almost everything almost a year or better for our car auction, and by the time we get ready to auction, we have to have it towed out of our impound lot...that costs us money...and then we have to auction it. Typically, people don't buy it because it doesn't run. So we've auctioned off, the auction is gone, the car is still sitting there, and we have to tow it back into fence or do something else with it. So, there is a cost to that. Plus, in the past, we have paid \$1200 to run the advertisement plus \$800 to do it, whereas in this case you pretty much are just taking a digital picture and are putting it on line.

Councilwoman Peterson: My point is, have we approached anyone locally to say, "Here's the deal we've got..."

Assistant Chief Weyand: No, I haven't. I've talked to other communities that have ran this, and they have seen dramatic increases in the volume and the bidding and stuff like that. No, as far as locally, I have not talk to anybody.

Councilman Wallace: One of the auctioneers I know is like the president of the State Auction Association. I just think it would be nice to at least get their input and have them say, "You know what, I can't compete. We can't compete. It would be smart for you to do that." Then, I would feel much better about that for us going that way, than just taking money out and not even conferring with them.

Councilman McKay: We do pay them to...

Assistant Chief Weyand: We pay them to run the auction.

Councilman McKay: We pay them a certain percent.

Assistant Chief Weyand: Well, it is a flat fee of around \$850, and then we have \$1200 wrapped up into the advertising, and then you have pretty much everybody's labor wrapped up into doing the auction itself.

Councilman Wallace: The way I read this, though, we could put an item on there like today. There would be no holding time. You could just run right on there today.

Assistant Chief Weyand: Well, we have to declare it surplus first. But, yeah, typically, once [inaudible for transcription] to credit surplus, I could post it on that day.

Councilman McKay: I don't think there is an immediate need that we pass this tonight.

Clerk Laura Curliss: No. It is the first reading.

Councilwoman Peterson: Could we consider going out to the local. They may say, "Hey, you know, thanks but no thanks."

Safety Director Nick Babb: The thing that we are getting that we can't get locally is we are getting basically nationwide coverage in an auction.

Councilman Jaehnig: One of the issues that we run into currently locally is that the auctioneers are having trouble selling the products that they have now at auction. So, it is not even as if we were in a good economy when auctions were going well. So, that becomes an issue on top of it. You put it on the internet and all of a sudden we have national coverage instead of having maybe a hundred people looking at it to bid on it, we have tens of thousands.

Mayor Raizk: We'll make an attempt to reach out and have a report back before the next meeting. We'll have it on next time for the second reading. Hopefully between now and then, or if we haven't gotten everybody contacted, we'll maybe ask for a postponement for one time. We'll reach out.

Councilwoman Peterson: Thank you.

Scott Kirchner: Out of curiosity on the advertising, is that auction-specific or is it regarding declaring the material surplus to the city and exactly what those items are. If you are going to do these auctions on an ongoing basis, you are going to have this advertising on an ongoing basis for these items. I'm not sure we are going to save as much in the advertising.

Assistant Chief Weyand: The advertisement that we were paying for before was for running the auctioneer's ad and that would cost us \$1200 to run that for x-number of weeks in the paper. Typically, when we declare surplus council declares an ordinance and we run a small little ad saying that any property that we hold if not claimed by such and such a date is deemed (I can't remember the actually wording), but it is deemed as like forfeited to the city.

Scott Kirchner: So it is a different set of advertising. I just wanted make sure that you weren't...

Mayor Raizk: It is not the ordinance advertising.

Councilman Jaehnig: Do you have a question, Geoffrey?

Geoffrey Phillips: Essentially this is a procedural question. Would we as a city also use GovDeals for surplus items for other departments or would it only be the police. It would be for any department?

Councilman Jaehnig: That is correct.

Geoffrey Phillips: How frequently do we expect that surplus list to [inaudible for transcription]? Would it be quarterly or biannually?

Assistant Chief Weyand: The intent is whenever we have enough to put out there. Currently I probably have 13-14 car titles. I have probably around 200 bikes and a whole bunch of other stuff. You're not going to post this all at one time, but you could run this quarterly or biannually; there is not any set standard. We just have to run the ordinance.

Geoffrey Phillips: My second question is on a cost analysis. I know some numbers have been talked about, but page 2 describes what the fee will be out of the bidders. Do we

pay the current auctioneer anything or we only pay those two numbers you had mentioned?

Assistant Chief Weyand: We pay the current auctioneer a flat fee of \$850.

Geoffrey Phillips: So, we pay him \$850 no matter what he sells or what he gets for it, and then we pay \$1200 to have it advertised. So, at any auction, we are in for \$2000.

Councilman Jaehnig: Are there any other questions?

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 Contract with GovDeals, Inc. to Sell City Surplus Items to the Public through an On-Line Auction Service.

Motion passed.

Director of Law read the 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 today, Mr. President.

President Ertel: Thank you. Downtown Revitalization?

Downtown Revitalization Committee – In the absence of Convener Sandy Mongold – No report.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace – No report.

President Ertel: Service Director?

Service Director- Service Director Larry Reinsmith: No real report. We do need to get a streets committee scheduled.

President Ertel: Safety Director?

Safety Director – Nick Babb: No report.

Reports:

A motion was made by Wells and seconded by McKay to approve the Water Revenue Report, 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.

Scott Kirchner: 245 S. Mulberry Street. In reviewing the water revenue chart...and thank you for this, it is a very good chart...I would ask two questions. Number one, can we get a similar chart for the sewer department, because I suspect we have seen similar falls in sewer revenue – not exact – because we have been doing rate increases through this that would change that curve, but still it goes to a point of understanding what our revenue level is. Number two would be, have we reviewed the water rates and are we anticipating a potential rate increase? Because based on these numbers, in my recollection of our operational costs and debt service, although I know we have retired some water bonds, we may be looking very soon between this revenue loss and the increase that we put on through the Honeywell deal, it is very possible we will be doing a rate increase this year. Has the water department had a chance to look at that yet?

Councilman Wallace: Well, that is always under consideration. Right now, we are trying to see if we can do a couple things. We have a couple of things floating out there. We are trying to look at that happening first. That is a potential.

Mayor Raizk: We are not anticipating. We think we will be able to meet our debt coverage.

Councilman Wallace: We are closer to the debt coverage than that picture shows us.

Scott Kirchner: To drop it back to pre-2004 levels, which I know we were going through rate increases back in the early 2000 time-frame. As 2005, 2006 and 2007 came on, we were just barely getting to those bon ratio numbers that we desired. Now, as I said, you have retired bonds since then, I am unfamiliar with the numbers since then, but that seems to be a very drastic drop, which I am sure is alarming to all of you. But, that is also why I encourage that we get the same sewer chart out because I have a feeling we will have similar issues.

Councilman Wallace: That is kind of where we are right now, we're still hanging in there.

Scott Kirchner: Okay. Thank you, Mike. And, then I would also ask, is the auction contract going to go back to committee for consideration of some of the concerns here, or is it just going to move forward as is?

Councilman Jaehnig: Well, I guess we will probably have to take it back to committee once we have responses from the local auctions.

Scott Kirchner: Thank you.

Councilman McKay: I would expect that their response is they are not interested.

Councilman Jaehnig: And then there would be no need for a meeting.

Rhoda Zion Alale: Dr. Alale introduced herself as a health physicist and gave her address 1282 Ridge Road in the Warren Knolls area. She thanked council for giving Wilmington a unique disposition nationally as the first green enterprise zone. She said that she is in the position of presidential commissioner serving on the EPA Care Initiative, which focuses on lowering air irradiation. She said that she had been in that position for almost two years at the appointment of the President George Bush. Alale stated that her home in Warren Knolls is contaminated with lethal radiation. She said that she is a survivor of "black breast" syndrome and showed pictures of examples of the disease. In addition, she said that her son had 60% of his brain waves fade away. Alale went on to say that her husband was the prince of Ijo, West Africa, and that she is an African Princess. She shared, at length, the personal experience of illness that she and her son have suffered because of living in her contaminated home. She asked that council continue in creating a new path for the future of Wilmington by passing a resolution to support a center of bioscience for regenerative medicine in the area. She said that radiation was a problem in many area homes, as well as in area schools, and that the city should be proactive in helping solve the problem of increased radiation levels in the area. She thanked council for their time.

President Ertel: Thank you. We appreciate it. That was quite eye-opening...definitely. That gives us some food for thought there...something we can possibly do something with in the future, not only at the city level but also the county level, because I am very familiar with the radon issue at the county level. This is something that not only affects us in the city but certainly also the county.

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 Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, January 21, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Mead, 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 Jaehnig to approve the minutes of the last regular meeting, January 7, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Okay. Welcome to the meeting.

President Ertel opened the public hearing on the 2010 CDBG Programs by Mr. Whitaker Wright of CDC of Ohio.

Whitaker Wright: Thank you, Mr. President. Good evening, ladies and gentlemen, members of council. This is our annual first public hearing for the federal Community Development Block Grant program. This evening I will briefly discuss eligible programs that the state and federal government will be offering this year. There are several housing programs offered through the Ohio Department of Development. The first one is the Community Development and Housing Improvement program. It is an application process that is due in April. The City of Wilmington would be eligible to apply for \$500,000. There are several programs that the Community Action Program is eligible to apply for. These include the Housing Development Assistance Program, the Housing HDAP program, and the CHDO operating program. In addition, Clinton County Homeless Shelter applies annually for the Homeless Assistance Program, with an application due in July, and the larger metro areas are eligible to apply for housing for people with AIDS. There are several community development programs offered by the state. The City receives \$51,000 annually through the Community Development Block Grant Formula program. That application is always due in June. This year it will due on June 25. In addition, there are water and sewer programs with an open cycle of about \$600,000 on a maximum award. There are several economic development programs that focus on employment for low and moderate income residents. These include the Downtown Revitalization Program. That is the grant that the city received last year. There are also the microenterprise loan programs and the economic development programs for cities and counties. The crux of the Community Development Block Grant program is to assist households who are considered low and moderate income to receive funds either through infrastructure or housing. Areas can be qualified either by the Census Bureau by direct benefit, or through what is called limited clientele, which means they are senior citizens, they are elderly, they are abused, handicapped, homeless or have other disabilities. To be considered low and moderate income, HUD publishes in March of each year an annual estimate of 80% of what they consider to be the area median income in Clinton County. It is currently, for a family of four, \$49,750. That has not changed in several years as we have discussed in the past. It is primarily because HUD had estimated high through the 90s and they have been holding that figure constant for about the last four years. In addition, the City solicits project proposals from interested parties each year for the Community Development Block Grant program. The Mayor's office has copies of the project proposal form. Eligible organizations are welcome to submit a proposal to the city for review and comment, and then the city will select programs that they will spend their \$51,000 for this year. I have left this with the clerk. Are there any questions? Thank you.

President Ertel: Okay. Thank you so much.

President Ertel closed the public hearing on 2010 CDBG Programs.

President Ertel: Okay. Green Enterprise Zone. Mark Rembert and Taylor Stuckert.

Mark Rembert: I just wanted to come before you on behalf of my fellow members on the Green Enterprise Zone Development Council to announce that Monday, January 25, we will holding a public meeting to officially release the Green Enterprise Grant program. This will be its inaugural year and the window will run from January 25 until March 19. At this public meeting, we will introduce the members of the council, discuss some of the guidelines of the grant and sort of the expectations and visions of the grant. Before you, we have a packet of that cover letter, the guidelines that we put together, and the application that the council approved.

President Ertel: Very good. Well, we look forward to that.

Mark Rembert: Thank you.

President Ertel: Okay. Are there any questions?

Mark Rembert: Well, I guess I should announce that is at 6 pm in the Community Room.

President Ertel: So, that is January 25 at 6 pm. Very good. Thank you so much. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. Once again, it is time for the annual State of the City.

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

This past December, in an interview with Scott Pelley for *60 Minutes*, I was quoted as saying "...this community runs on hope." As a realist, I know that hope does not put food on the table or pay the mortgage or put clothes on the kids. But despair doesn't do those things either. Wilmington, in its darkest hour, had a choice: hope or despair. We chose hope. Why? Because it is who we are. And hope is not the easy way. It is not the path of least resistance. You have to work at hope.

I believe that every act of kindness, every act of generosity, every act of spiritual support, gives hope to both the giver and the receiver. We have had many such acts this past year. So many that I cannot list them here nor properly thank the givers. But a few bear special mention. Allen Willoughby, whose call to feed the hungry gave us hope. Jay Leno gave us hope with laughter in the face of adversity. Rachael Ray and Carter Oosterhouse prepared and fed us hope and good food. *60 Minutes* gave us hope by treating us with dignity and caring. And hundreds of people across this wonderful country gave us hope by opening their hearts and pocketbooks to total strangers. DHL, with their generous donation of the airpark, also gave us hope. This outstanding facility will give us an engine that, with hard work and self-determination, will once again create jobs and prosperity in our region.

You know, despair is easy; it doesn't require much effort. It's always about what is wrong. It offers many questions but never any answers. Hope is hard. It requires us to give of ourselves in order to help others. It requires us to recognize that need is need, wherever we find it, and it requires us to address that need. As the recent devastation in Haiti demonstrates, with supplies and aid flowing from a community as hard-hit as ours to this earthquake ravaged country, there is always someplace where the need is greater.

There are others who deserve our thanks as well. Governor Ted Strickland, Lieutenant Governor Lee Fisher, Congressman Mike Turner, Senators Sherrod Brown and George Voinovich, State Representative David Daniels and State Senator John Carey have all played key roles in assisting our community. I want to especially thank John Limbert for his role in negotiating the DHL/Airpark Donation. His skills and expertise were invaluable. I also want to thank former councilman David Hockaday for his wise advice

and counsel. I would like to thank the President and Members of City Council, along with the Auditor, Treasurer and Director of Law, for their support and encouragement in these trying times. Most of all, I want to thank all the wonderful city employees whose hard work and sacrifice have kept us afloat this year.

The spirit of hope that has been created in our community has, and will continue, to attract many good things. The spirit of despair only attracts more despair.

The State of the City is safe, secure and financially strong. But that is today. While we hope for the best, we must also prepare for future economic challenges. We need to reduce our budget by \$800,000 to \$1,000,000 to ensure adequate carryover for 2012. Since 80% of our costs are personnel related, we will need creative solutions to meet these goals and preserve jobs. We will continue to negotiate with our bargaining units in good faith. We know this will be painful and difficult. Reaching our financial goals will require everyone's cooperation, and we hope to have a plan in place by the end of the first quarter. Again, this is not about today or even tomorrow – but about making sure we have a firm financial footing for the future. We are also hopeful that by 2011, with control of the airpark and our redevelopment efforts, we will have new revenue streams that will mitigate these sacrifices.

This year, 2010, is the bicentennial year for Wilmington and Clinton County. As we begin our celebrations, we look back with pride on 200 years of a rich heritage, of self determination, of resilience, of faith, of hard work, of opportunity, of ...there's that word again...hope. Since 1810, we have always been led by hope for a better and more prosperous tomorrow for ourselves, for our children, and for our grandchildren. Thank you.

President Ertel: Well. That was very good. Thank you so much. That was very, very good. I would also like to draw everyone's attention to the rest of the report, with all of the different departments and whatnot. Very interesting statistics and information about our different departments. It is very well put-together, and I assume we can thank the Mayor and Laura for that.

Mayor Raizk: And Andrea...

President Ertel: And Andrea.

Mayor Raizk: And all of the department heads. They have done a great job.

President Ertel: They certainly have. 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: No report.

President Ertel: Very good. We won't hear from you until what, about May or June.

Councilwoman Mongold: I hope not.

President Ertel: Water Committee, please?

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

President Ertel: Thank you, Mike. Streets Committee?

Streets Committee – Chairperson Peterson: We have no report.

President Ertel: Okay. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have no report this evening on the agenda, but I would like to read a memorandum concerning our recycling program.

The Sanitation Department, on behalf of the City of Wilmington, recently submitted a request from the Ohio Department of Natural Resources for a \$150,000 grant for the curbside recycling program. This grant is made available specifically for programs such as ours. In late 2009, we contacted the Ohio Department of Natural Resources grant personnel and explained the needs of our growing recycling program. We were very well received by Chet Chaney, Grant Section Manager. Mr. Chaney then visited our facility and saw the operation in action. At this point, he invited Braden Dunham of our Sanitation Department to attend a meeting in Columbus. This meeting provided Mr. Dunham with information needed regarding the grant writing process. After attending the meeting, Mr. Dunham then submitted the grant application, with directions and suggestions provided by Mr. Chaney.

This grant was submitted to the Ohio Department of Natural Resources on January 7, 2010, and we should receive notice by May 2010. The purpose of this grant is to expand our current program and to obtain a recycle vehicle and curbside recycle bins, which would reduce the labor-intensive procedure we are now using. Our program now ranges from 11% to 16% participation each week. Mr. Cheney believes that with the expansion and improvements in our program made possible from this grant, our participation should increase.

This was sent to us by Don Maher, Superintendent of the Sanitation Department. So, hopefully, we will have some good news in May.

President Ertel: Very good.

Councilman Wells: We are having a Solid Waste Committee meeting on February 3. Thank you. That is all I have.

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: Chairman Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item on the agenda tonight. That is the second reading on a resolution authorizing the Mayor to enter into a contract with GovDeals, Inc. to auction off city surplus items for the City and for the Police Department. I intend to go ahead with the second reading tonight. We do have a meeting scheduled on Wednesday, January 27, at 6 pm in which the local auctioneers have been invited. I have already heard back from Mr. Kersey and he will be in attendance. They will present alternative options and allow us to then directly compare our options to move forward at that point. There are some interesting avenues that could possibly be pursued, but it will allow us to openly discuss our options. I am going to go ahead and ask for the second reading tonight. There is nothing that says that we can't turn it down after that next week.

Mayor Raizk: Are you meeting on the 22nd, tomorrow, or...

Councilman Jaehnig: Wednesday, the 27th at 6 pm. I would like to go ahead and make a motion if there are no questions in regards to anything I have said.

Councilman Wallace: Are we under a time restraint? Is there any reason we are pushing hard to get this thing done?

Councilman Jaehnig: The only reason we are pushing hard to get this thing done is because our current system is not acceptable. We do have many things that need to be auctioned off. We have been holding them. We haven't had an auction since 2008 and things do need to start to move – whether it is this way or another method. But this does not approve the final resolution at this point. This still gives us an opportunity to step back if we decide after the committee meeting next week.

Councilman Wallace: I just think we are pushing pretty hard to get it done without doing the other first. It seems to me... I don't know why we can't sit on this at this point until we hear from the auctioneers. It may take more than one one-hour meeting to get this thing accomplished.

Councilman Jaehnig: And we'll know that by the end of the meeting. One of the concerns that I have is I have put phone call out to all of the auctioneers in the city and I have gotten one phone call back. There was very little attempt for them to contact us. The only contact that has been made is the contact that we have initiated ourselves.

Councilwoman Peterson: So I guess the reason that we want to do this is we are two weeks further along in the process if they are not able to bring something to fruition with regard to other options.

Councilman Jaehnig: If there is any option other than this, then we can stop and no longer and continue with this, then we will take it. If there is an opportunity to improve what we are currently doing and remain Buy Local and use that Buy Local multiplier on the revenues, then we can definitely step back and do that. Obviously, it would be in the city's economic interest. It may not make as much money necessarily for the City itself, but it could be economically appropriate for the city. If there isn't an option, then we need to move ahead with auctioning off these materials. A lot of them are out in the weather. The longer they sit out, the less value that they have and the worse shape that they get. Like I said, we haven't had an auction since 2008.

Geoffrey Phillips: Help me make the reference to the numbers. Will you on the 27th have some pro forma numbers in terms of what it would cost if we do what we have been doing versus what it will cost over the next 12-18 months. From what I understood from the presentation two weeks ago, we will have multiple on-line opportunities, which means there will be multiple ads in the paper and what those costs are.

Councilman Jaehnig: No, there will not be multiple ads in the paper, because it would all be done on-line.

Geoffrey Phillips: I thought this council had to agree the items were surplus.

Councilman Jaehnig: My apologies. I thought you meant advertising for the auction.

Geoffrey Phillips: That is a cost right now we pay once a year and you propose we pay it four times a year. I'm just asking. Those are just costs we need to put on paper. [inaudible for transcription] creativity, we just need to see the numbers.

Councilman Jaehnig: That is already being done.

A motion was made by Jaehnig and seconded by Mongold to give the second reading only on a resolution Authorizing the Mayor to Enter into a Contract with GovDeals, Inc., to Sell City Surplus Items to the Public through an On-Line Auction Service.

Wallace voted nay. All others voted yea.

Motion passed.

Director of Law read the ordinance by title only.

President Ertel: Very good. I look forward to seeing what the meeting on the 27th has to say, and we will move forward from there.

Councilman Jaehnig: That is all we have, Mr. President.

President Ertel: Thank you very much. Downtown Revitalization?

Downtown Revitalization Committee –Convener Mark McKay – We have 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- Service Director Larry Reinsmith: No report.

President Ertel: Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Before you, you have a number of reports: the Auditor-Treasurer's Report, the Treasurer's Report, the Statement of Income Tax – Six Months, Twelve Months and Interest Earned, Income Tax Reports – Both December and Annual, and the 2010 Projected Revenue Report. Geoffrey Phillips would like to talk about a few of those.

Geoffrey Phillips. Thank you, Mr. President, Mayor, Director of Law, Auditor, and Members of Council. Three things that I want to bring to your attention as you look at these reports and underscore some of the message that the Mayor gave in his statement tonight. The good news, as you look at the Income Tax Report, the one-page report that Marque prepares for you annually. And I certainly want to compliment the tax staff. Marque, Cheryl, and Julie have worked very diligently to ensure enforcement of the income tax and very regularly were in this room for small claims or were next door for criminal action. That aside, in the nearly 33 years that the City has collected income tax, the good news is that in 2009 we set a record all-time high of collections of just over \$7,000,000. It is the most in those years, and to put that number in perspective, just two years ago, in 2007, we collected \$4.5 million, and of course with the annexation of the airpark that was effective on January 5, 2008, in the year 2008 we collected just over \$6,000,000, and last year we peaked over \$7,000,000. Beyond the good news, the second thought tonight is the estimate for 2010. In the ten years that Marque and I have worked together, and it has been a number of years, the estimate for 2010 was by far the absolute most challenging. The sobering reality of the job loss in this community, as you read down to very bottom line of the report is, while we set an all-time high in 2009, with just over \$7,000,000, we will see and experience the greatest one-time drop that this city has every experienced in the 33 years of the tax. Our projection for 2010 is \$4.175 million dollars. In round numbers, we are projecting for you a \$3,000,000 drop in this source of revenue. Certainly, the loss of some 7500 jobs at the airpark is a major contributing factor. However, in just putting it all in perspective (and most of us are aware of this), that loss is compounded by the fact of business closings. As we meet tonight, in the last 12 months, Textron has closed. There are no employees and obviously it is a facility that we plan to reutilize for city services. White Castle has closed. Bob Sumerel Tire has closed. Fort Dodge is in the process of closing. In addition to those closing, and many of us are aware that there are a number of businesses in the community that have down-sized, "right-sized," as the politically correct term may be, including the business that I work for. We do not have as many employees at Liberty Savings Bank in our operations center on Rombach Avenue as we had a year ago. All of that contributes to the estimate that we give you in projecting a \$3,000,000 drop.

Geoffrey Phillips: The second source of revenue that I have responsibility to assist the city with, as you look at the Treasurer's Annual Report in the packet that the President

outlined for you, there are a couple of numbers in there that I draw to your attention. The Auditor-Treasurer report that David and I provide to you, the very first attachment after my message, in the General Fund we ended 2009 with \$4.6 million dollars. \$4.6 million dollars is the cash that will assist in the current budget deficit of \$2,000,000. If we spend \$2,000,000 next year, that leaves \$2.6 million a year from now and underscores (and I appreciate very much the comments of the Mayor tonight) that we look out for 2-3 years in attempting to provide some stability in services. The other number that I would call your attention to in this packet, as you thumb back three or four pages, in terms of the interest earnings for 2009. We are earned just less than a quarter million dollars in our investments, \$220,000. The challenge for 2010. A year ago I gave you a quote and I put it in the tallies in my report, a word of caution, falling investment rates in the 4th quarter of 2008 will make it impossible to repeat last year's success in 2009. Our city begins 2009 with investment rates of almost one-fourth of where they were one year ago. With very little editing, I could say to you tonight and a word of caution, falling investment rates in 2009 will make it impossible to repeat last year's success in 2010. One of the investments that we have at the end of the year has already, in the first days of 2010, dropped 50%. It is very possible that in 2010 we will have our lowest ever interest earnings that we have ever had. So, with those two sources of revenue, I support the Mayor's admonition to you to go back and look at the general fund budget for some appropriate adjustments. We are fortunate with the airpark jobs that this community had inside the city in the last two years, but the sobering reality to repeat a couple of words that I used a minute ago, is that there is going to be a significant fall-off in our revenue in 2010.

Geoffrey Phillips: The third thought that I have tonight, and I applaud Finance Committee and look forward to working with them in the quarterly reviews, along with my colleague Auditor, David Hollingsworth, one of the things that Marque and I will do, we will ask your indulgence, and we will make appropriate adjustments as we go quarter to quarter. I shared with you a minute ago that it was the most challenging estimate. Marque and I will normally do an estimate once and it will go to ink and it will come up the clerk's office and then you will get it. This estimate we did three different ways because I just could not believe what it would be. I shared much of this with the Mayor and with David. We went back and kicked the tires, but the reality is there is going to be a significant fall-off. The real challenge we have is the income tax of this City if the fund generator of the General Fund. Most of you, as you understand the budget process and transfers out to police and fire, there are significant services of the city that depend on that income tax, and it is not going to grow next year. The real challenge as you look at these two revenue sources is that there is no immediate replacement of those dollars in the immediate side of the next 12-18 months. And the Mayor spoke well...we talked 2012. We have to generate dollars and the longer it takes to generate those jobs and those dollars, the more it pushes it out in the budget. I appreciate these moments to share those things and bring them to your attention. Thank you very much.

President Ertel: Thank you, Geoff. Are there any questions?

Reports:

A motion was made by Wells and seconded by McKay to approve the December 2009 Auditor-Treasurer Report, Annual 2009 Treasurer Report, The Statement of Interest Earned – Second Six Months 2009, Twelve Months 2009, and Interest Earned 1982-2009, Income Tax Report December 2009, Income Tax Report Annual 2009, and the 2010 Projected Revenue Report, 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 Wallace: Mr. President, can I mention the fact that at the last meeting there was a request, I think, for this diagram, and it has been printed and put in your packets. I just want to make sure that you are made aware of that. I appreciate the Sewer Department for putting this in here.

President Ertel: I think that Scott made that request, didn't he.

Mayor Raizk: Larry put this together for you. One thing, we will try to in future, I know Jerry has been putting one together. We will also try to make them compatible. The information is accurate, but the graphs are stark-totally different. They still represent the same figures, but I think it would be more advantageous if we looked at similar graphs so that you can get a little handle on it.

Councilman Wallace: I just appreciate the effort and I wanted to make note of that.

Mayor Raizk: Thank you.

Paul Hunter: You could use the same graph and adjust ...

Mayor Raizk: Yes. Well, realize that two different people were preparing the graphs, but we will get some consistency there so you can put them side by side and make a little more sense to you.

President Ertel: Very good.

Councilman McKay: Mr. President. Just a brief comment, on the heels of our Mayor's report, he notes, these are the best of times and the worst of times, and I really look forward to realizing some of the things that could very well happen – good things that could happen to this city, and putting the worst of times behind us. And as the Mayor spoke of hope, I think that if we all keep that hope, good things are going to happen.

Councilman Wallace: Mr. President. I just want publically to thank Mayor Raizk for all of the work that he has put in...the extra effort that he has put forth for this community. I think it is very applaudable. I think that the committee did work with DHL in getting that, I think that is huge. I think David was very instrumental in that, and I appreciate all he is doing for us. Thank you.

Councilman McKay: I think we will look forward to Mr. Riley attending a meeting soon to make good on a process.

Mayor Raizk: Well, you know...

President Ertel: Is everyone aware of what that promise may have been. Would you like to mention that?

Mayor Raizk: I will mention that for those of you who do not know. Mr. Riley, early on, when I told him over my dead body, some way or another we're going to get this airpark back for the community and it was going to be donated." He said, "If you get that done, I'm going to come to council and kiss you on top of your head." Now, we have all seen the glorious News Journal photo...in fact we did include it in your state of the city, where he rubbed the top of my head, and he was cajoled to try to do it on national TV at the press conference. He would not do it, but I do have his firm commitment that the first meeting in March, he will be here to exercise his duty. I mean, he is still hanging out for signing the documents on the 28th of February. But, I will guarantee he will be here. We are actually going to make him an agenda item, so we can make sure he can't back out.

President Ertel: We will make sure that that is at the beginning of the meeting so small children and others can join.

Mayor Raizk: We may need to protect small children.

[Laughter and Banter]

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 Wells to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, February 4, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, absent; Wallace, present; Mead, 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 Jaehnig and seconded by Mongold to approve the minutes of the last regular meeting, January 21, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel : Our Mayor is in D.C., correct?

Acting Clerk of Council Andrea Tacoronte: Correct.

Mayor – In the absence of Mayor Raizk, there was no report.

President Ertel: Asset, Acquisition and Use?

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

President Ertel: Auditor – not present.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We do have a resolution tonight authorizing request for advance payment for settlement from the county. This is a yearly resolution that allows us to retrieve the funds due us from the county.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Authorizing Request for Advance Payment for Settlement from County.

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2186 passed as read.

Councilwoman Mongold: There currently is a Finance Committee scheduled for Tuesday, February 16, at 8 am. That is all. Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: Mr. President, we have a couple of items on the agenda this evening. These again are annual things that we go about that we really need to get done for the water to work efficiently. The first is a reading to

authorize the advertisement for bids for chemicals that we use to treat the water. Are there any questions?

A motion was made by Wallace and seconded by Wells 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 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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4896 passed as read.

Councilman Wallace: The second item is something very similar. We need to haul the sludge away and so we need to advertise and contract for that as well.

A motion was made by Wallace and seconded by Wells to give the first reading only on the ordinance Authorizing Advertisement and Contract for Hauling of Lime Sludge from Water Treatment Plant.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Wallace and seconded by Wells 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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4897 passed as read.

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Councilman Wells: In the absence of Councilwoman Peterson, I have one item on the agenda tonight. We want to change that from three readings to just the first reading. This is a resolution authorizing the Ohio Department of Transportation to perform work on State Route 68 in the City of Wilmington and authorizing the mayor to sign a contract for the same. Are there any questions or discussion?

President Ertel: There are no time issues involved here, so the first reading is appropriate and timely?

Councilman Wells: Yes.

City Treasurer Geoffrey Phillips: Question. Is this part of the stimulus project?

Service Director Larry Reinsmith: Yes.

Geoffrey Phillips: I thought the initial presentation was there would be no cost to the city, and I see we are asking for about a quarter million dollars. Could someone explain why?

Larry Reinsmith: Yes, we can explain. We talked about this in committee last night. This was a last-minute surprise and they like surprises. We had a million dollars authorized to do this project with stimulus money and ODOT money. Our engineers did an estimate that came in at \$1,000,000. Now, when it was submitted to ODOT, ODOT themselves do an estimate for their engineering project. They came up with about

another \$132,000 extra plus they added \$112,000 in there for engineering services, which would include inspections and things like that that they do. So, their estimate came in at \$1,232,000. The project has to go on. As I explained to committee last night, there are three options that we can do. One is to go ahead and put the money in escrow. We did that before for one project and we never spent the money. It was returned back to us. The president doesn't want this project to be held up, he wants to move on, so we can't really stop it and amend it right now. So, one option is to put money in the bank and go on. The second option is to amend it right now and we can subtract line items from the project and when it bids, if it comes in lower than that, you are pretty much stuck there – you can't raise it, because the administration doesn't want change orders either on these projects. The third option would be to go ahead and bid it out. If it goes over the million dollars, then you can go in and do an amendment, but there is going to be a little penalty, because ODOT has to pay the contractor a penalty. Now, we did just bid Main and Locust. Originally, that was a \$4,000,000 project. We submitted it to ODOT and ODOT came back with a \$3.6 million estimate. It bid last Thursday, and it came in at \$2.9 million. It came in \$700,000 less than even ODOT. All of the projects are running a lot lower than their estimates. Even Nelson Road came in at about a quarter million dollars less. We met with the committee last night and the committee decided to go ahead and give it one reading. I am going to call ODOT and find out what the cost of the penalty is going to be if we go ahead and amend it after the bid. Then, we can go and make a decision at that point.

Councilman McKay: It is a very good possibility that it will come in under and that money will not come into play at all.

Larry Reinsmith: The only other option is we talk to them about it, but we really can't do that until the mayor gets back. But, I'm going to have the mayor try to talk to somebody and see if we can't take a little bit of that other money from the other project.

Geoffrey Phillips: That was going to be my question. Really, wasn't it all one amount of money and we have assigned it to three different projects?

Larry Reinsmith: No. There were two assigned projects. Part of the money is ODOT's money. I know on the \$4,000,000 project, \$800,000 belonged to ODOT. The other \$3.2 million belonged to the feds. ODOT is not real excited about getting rid of the money, but maybe we can get some of the stimulus money that would have been on the other project to go on this project.

Geoffrey Phillips: Obviously, I encourage that we pursue it, and I know the mayor will. My question is back to the \$250,000. This resolution, obviously, one reading tonight commits us to put that money in escrow so we potentially have a liability right then, right?

Larry Reinsmith: Yes.

Geoffrey Phillips: Where will that \$250,000 come from? It will need to be budgeted...

Larry Reinsmith: It is going to be discussed, I think, at the Finance Committee meeting that they called for next week.

Geoffrey Phillips: In all likelihood, you have one option, and that is the General Fund. So, the two-million dollar deficit will become a two-and-a-quarter million dollar deficit, in worst case.

Larry Reinsmith: If that were the avenue they were going to take.

Councilman Jaehnig: It was made pretty clear last night in the committee meeting that we didn't want the project to be held up or cancelled, but we had no intentions of spending the money in any way. If we have to do a change-order after the bid went through, we would do that to reduce the cost of it. At the moment, the way it is being presented to us, our hands are kind of tied in how we approach. We really don't want to walk away from a million dollar project for the city because of how it is being presented

to us. Our intentions were to do one reading while we continue to investigate and work further on this.

Councilwoman Mongold: There is a high possibility, and of course that is just a gamble to us, that we will come in under bid and we will have the extra money and we will not have to take it from the general fund. So, it is all right now kind of a guessing game until we can get some more answers.

Geoffrey Phillips: Do we have an obligation to escrow our money when we sign the contract, or at the time of bidding, or before the contract is let?

Larry Reinsmith: It is before the contract is let.

Geoffrey Phillips: Well, then that is obviously helpful. Now, this project is Xenia Avenue and 68 into Wilmington...

Larry Reinsmith: It starts at Locust Street and goes all of the way out to the corp. line – new curb and gutter and sidewalks.

Geoffrey Phillips: Sidewalks on both sides of the street?

Larry Reinsmith: Yes. There was a quarter of a million dollars in there in full-depth pavement repair in that project. I know when we looked at the other project, the unit price they used was like \$110 a square yard or something like that. That is twice as much as the money we used when we estimated. So, I think there is some play in the number anyway. If we did anything, we could slide that full-depth repair down because that road is not in that bad of shape. I think it is more important to get the curb and gutters and the walks in than the paving. Maybe we could work that number down.

Geoffrey Phillips: And to clarify, Xenia Avenue would have sidewalks on both sides of the streets.

Larry Reinsmith: Yes.

Geoffrey Phillips: Thank you for answering the questions.

Larry Reinsmith: Just as a side note, the Main and Locust Street low bidder was Jurgensen, which they own Melvin Asphalt and everything. It is a local company.

Councilman Wells: Are there any other questions?

A motion was made by Wells and seconded by Jaehnig to give the first reading only on a resolution (Final) Allowing the Ohio Department of Transportation to Perform Work on S.R. 68 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.

Councilman Wells: That is all that we have on the agenda. As far as the second and third reading, I think we will be okay to schedule that for the next council meeting. The Finance Committee will have met by then.

Wells requested that the second and third reading be on the Agenda for the next meeting.

Larry Reinsmith: Don, there are two important dates on that project. I think the deadline to make any changes and amendments for that project was March 12. I think the project bids March 25.

Councilman Wells: So we will be okay. Thank you, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairman Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee: Chairperson Rob Jaehnig: We have one item tonight. This is a third reading on the resolution in regards to the GovDeals auctioning of city surplus. We are going to amend this resolution tonight. The change that we are making in it has to do with the addition of how we have to advertise for city surplus. We have discovered in the Ohio regulations that we can advertise once a year in the newspaper and then updates will be then posted on the website. So, there will be a standard resolution that gets put into the newspaper at the beginning of each year, and that is what we are adding in, and then as city surplus becomes available for auction, that will be going on to the city website. That is the amendment that we are going to be adding to this resolution. Any questions or comments?

Geoffrey Phillips: One quick question – in committee at the last two meetings we talked about that you were going to see some numbers in terms of the pro forma and what it is going to cost. Were any numbers put on paper?

Councilman Jaehnig: Yes. A good example would be 2007 we had an auction. Our total revenue was \$4000. Our total cost, just for advertisement and for auctioneering, was \$2000. If we had auctioned through GovDeals, our cost would have been \$30.26.

Councilwoman Mongold: And that is not counting the man hours, correct?

Councilman Jaehnig: Right. That doesn't count the man hours, towing and so forth in regards to it. While, if you get into a large enough auction and you start getting into the thirty, forty, fifty-thousand dollar auctions, you know, an auctioneer becomes much more advantageous at that particular point. One of the things that we have also discovered is that we had many items in city surplus that were sold for extremely under value. A prime example was a piece of fire equipment that we actually put up for auction three times before it finally sold. Everything told us that that was worth a minimum of \$5000 by national auction. It finally sold for \$1000, and we actually had to go out and beg people to come and bid on it. Another piece of city surplus was when we replaced the phone system. The company doing the replacement was interested in bidding and was interested in buying the phone system for \$5000. They were trying to get us to sell it to them at that particular point. Of course, according to our bylaws and how we have to operate, we could not do that. They were not interested in driving down to the auction, and the phone system ended up selling for \$1. We are hoping that this will help alleviate some of those issues. What this contract with GovDeals does, though, it does not limit us from actually having local auctions. So, if there are certain items that make sense to have a local auction, it does not limit us from doing it. We just cannot list items on both auctions at the same time.

Geoffrey Phillips: Thank you. And those numbers are in the minutes of your meeting, so a year from now, when we evaluate, we will have that to measure by?

Councilman Jaehnig: And there are more numbers in the minutes.

Geoffrey Phillips: Good. Thank you.

Safety Director Nick Babb: Rob, I might add, on that one fire truck, there are collectors across the country that probably would have paid far more than \$5000 for that truck because that was a specialized vehicle.

Councilman Jaehnig: While we want to make sure that we are keenly aware of local businesses and buying local and so forth, the one thing that this does is it allows us to bring outside money into the community, which is even better than recycling our own money. We need to bring as much outside money into the community as possible. This will allow us, to be honest, to get a pretty good chunk of it moving into the community. If there is no other discussion, I would like to move for the first reading on this resolution.

President Ertel: Before we do that, I would like to move on the amendment.

A motion was made by Jaehnig and seconded by McKay to amend the resolution as stated.

Motion passed.

Resolution amended.

A motion was made by Jaehnig and seconded by Mongold to give the third reading only on a resolution Authorizing the Mayor to Enter into a Contract with GovDeals, Inc. to Sell City Surplus Items to the Public Through an On-Line Auction Service, As Amended.

Motion passed

Director of Law read resolution by title only.

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

Motion passed.

President of Council declared Res. No. 2187 passed as read.

Councilman Jaehnig: Thank you, Mr. President. That is all we have.

President Ertel: Thank you. Downtown Revitalization?

Downtown Revitalization Committee - Convener Mark McKay – We have one item, Mr. President. It is the resolution appointing Design Review Board members. There are three members, as you see in your packet, for two-year terms. Are there questions regarding that?

A motion was made by McKay and seconded by Jaehnig to give the first reading only on a resolution Appointing Design Review Board Members.

Motion passed

Director of Law read resolution 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 resolution by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2188 passed as read.

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

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace – No report, Mr. President. We are waiting for spring.

President Ertel: Very good. Service Director, Larry?

Service Director- Service Director Larry Reinsmith: No report. Drive safely this weekend...we're going to get some snow.

President Ertel: How is the salt going?

Larry Reinsmith: We have plenty of salt.

President Ertel: Good. Safety Director?

Safety Director – Nick Babb: No report. I would just like to thank the Safety Committee for moving on the GovDeals. It will save the city a lot of money. Thanks.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Income Tax Report – January 2010 and the Municipal Court Report – 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 Street. I just want to thank Mr. Wells and his committee for last night's meeting on the landfill questions that I brought up a couple of meetings ago. We had some good, positive answers, and I'm very satisfied with the meeting. I thank you guys a lot for letting me vent, including Larry, who helped too.

Councilman Wells: 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 on Thursday, February 18, 2010, with President Fred Ertel presiding.

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

Chief Hatten was also present.

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

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

Councilman Wells: Mr. President? On page two, where it says "Streets Committee - Councilman Wallace" that should be "Councilman Wells" right there. I think on the rest of the question and answer part, everything is okay.

President Ertel: Okay. It is just switching your name for his.

Councilman Wells: Yes.

President Ertel: Okay, would you like to put that into a motion?

A motion was made by Wells and seconded by McKay to amend the minutes of the last regular meeting.

Motion passed.

Minutes amended.

A motion was made by Jaehnig and seconded by Peterson to approve the minutes of the last regular meeting, February 4, 2010, as amended.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Okay, I believe that concludes my portion. Just a reminder – tomorrow is the big kickoff for the bicentennial at 10:55 at the courthouse. It is going to be a wonderful year to be in Clinton County – there's no doubt about it – because there are going to be so many grand things going on throughout the whole county that we all can be involved with and so on. It is going to be a wonderful time, and the kickoff is tomorrow. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any legislation or anything to report on that respect, but I just would like to give a public shout-out to all the Service Department employees. They have done a terrific job. And, I know not everybody is always happy, but given the task they had to do, they did great. It's not just the Service Department, everybody pitched in from the other departments as well. Every pickup truck that can hold a blade, we usually hang a blade on. They also helped. We had one stretch where they worked 30 hours straight. So, I want to publically thank them for everything they did. I was able to go to some out-of-town business and I think we looked pretty good compared to a lot of places. I just wanted to give them a shout-out, and also give a shout-out to all of the safety personnel as well for the extra strain and stress on them. That is all I have.

Paul Hunter: Mr. Mayor.

Mayor Raizk: Yes.

Paul Hunter: I would like to second your things. I had a personal experience. I watched all the driveways that they normally push close; they came back when they had time and cleaned out all of those approaches. It was a super thing.

Mayor Raizk: Yes. They really did a great job.

Paul Hunter: It was much appreciated.

Mayor Raizk: Thanks for saying that, Paul. I did have a few calls. I had some calls that said “Hey, I got plowed in.” I said, “Hang on...we’ll get you,” and sure enough they went around and bailed a lot of folks out. It was a tremendous amount of snow, and it was a wet snow, which means it was heavy and hard to push, but they did a good job. Thank you.

President Ertel: Very good. 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.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have four items this evening. The first item is an ordinance creating a new fund, the COAF grant. That is the Clean Ohio Assistance Fund- #637.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund (COAF Grant #637).

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4898 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance creating another new fund, Community Corrections Fund #287.

Councilman Wells: Can I ask a question? What is this community corrections?

Councilwoman Mongold: Do you remember, a month or two ago, we had a discussion about the court bringing in an individual from court to do the position of probation because the county is not doing that anymore. We did receive some grant funds that will fund one-half the salary for the existing person along with the additional.

Councilman Wells: Yes, I do remember that. Thank you.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund (Community Corrections Fund #287).

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4899 passed as read.

Councilwoman Mongold: Item C is an ordinance making supplemental appropriations. Are there any questions?

Councilman Jaehnig: The final two items, those are coming from the General Fund?

Councilwoman Mongold: Yes.

Councilman Jaehnig: Those were not included in the original budget.

Councilwoman Mongold: No. The Director of Law's office did not submit a budget and the Deputy Auditor took figures from last year and they had not allocated any training. They need it to do requirements of their positions.

Law Director Kathryn Hapner: Actually, I just told Mary Kay that we would have the same budget this year that we had last year. As attorneys, we are required every two years to have 24 hours of continuing legal education. If we don't have it, we lose our license, so we have to have the training and education. Except for one time, we have always done our training in Columbus, so we don't go anywhere exciting and fun.

Councilman Jaehnig: So, you just forgot to put it in your budget.

Law Director Kathryn Hapner: No, I didn't forget to put it in my budget. It was in my budget last year. When I get the spreadsheet from Mary Kay, I change some things and send it back to her. Apparently, I don't have Excel. So, when I sent it back to her it didn't get back to her. So, we talked and I said "I'll just have the same budget for this year that I had last year," and she said "Fine." Well last year, I had that in my budget, but apparently, she said that she just flashed things out. That is just one of the things that she just flashed out.

Councilman Jaehnig: What does "flashed out" mean?

Law Director Kathryn Hapner: Took it out. Cut it. Because the mayor had said that there would not be any training or education expenses this year, which is fine for most departments, but for my department, because we have to have that...it isn't a choice for us. We have to have it in there. I mean, Davey and I talked about this...

Mayor Raizk: Yes. Just like you said, it was one of those things that kind of got short-shifted. It's not a problem.

Councilwoman Mongold: Are there any other questions?

A motion was made by Mongold and seconded by Peterson 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4900 passed as read.

Councilwoman Mongold: The last item tonight are two transfer items.

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 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4901 passed as read.

Councilwoman Mongold: I would like to request when Lauren researches all of the property taxes, that she or somebody research the property taxes on the tennis courts.

Clerk Laura Curliss: It is already in process. It is already on its way to Columbus.

Councilwoman Mongold: Thank you.

President Ertel: Thank you. Very good. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, there was no report.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have one item. Just to kind of give you some background. This legislation is part of the stimulus funds for 68. ODOT surprised us as we went through the process, and we were going to have to find a way to legislate for the \$250,000. We struggled with this – we could either walk away from it or, if the bids came in under the estimate, we would be fine. If they came in over, we knew we didn't have the money in the general fund. If it came in over, we would have to cut part of the project or, as I said, walk away from it. We decided as a committee to go ahead and move forward with a plan A and a plan B. We went ahead with the legislation as we did during the last meeting. Thank you Councilman Wells for taking the lead on that. We also had a plan B, and that was to have the mayor approach ODOT to see if there was some way we could get the \$250,000 removed from our portion. I came in tonight to a very delightful message from Larry Reinsmith. I just want to go ahead and read it so everyone has the same background.

During the last meeting of council, several questions were asked concerning the additional \$232,000 being required by ODOT for the US Rte 68 project. It was stressed that there was no room in our budget for any additional expense. At that time, I said I would get with the mayor to see if we could get some help from ODOT, which is basically what we discussed in the committee. We did talk and he made several phone calls. The next day, I received from ODOT a revised contract with the revised balance due of \$0. During these tough times, we hear a lot of negativity and a lot of empty promises. Through all of this, the mayor has always been positive and hopeful that our community will overcome these tough times and continue to be the great community it always has been. Thanks should be extended to the mayor for another job well done and also to Hans Jindal, Director of District 8 of ODOT, who has been a good friend to Wilmington for many years. We are hoping to keep this project and the city moving in a positive direction.

Larry Reinsmith, Director of Public Service.

Councilwoman Peterson: So, I need to amend the legislation that we passed last time to show a balance of zero, so I am going to make a motion for that, and then I am going to ask for second and third readings to go ahead and move this forward. Are there any questions?

A motion was made by Peterson and seconded by Jaehnig to amend the resolution.

Motion passed.

Resolution amended.

A motion was made by Peterson and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution (Final) Allowing the Ohio Department of Transportation to Perform Work on S.R. 68 in the City of Wilmington and Authorizing the Mayor to Sign a Contract for the Same, as Amended, by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2189 passed as read.

Councilwoman Peterson: That is all we have. Thank you.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have no report tonight, but I would like to thank the landfill sanitation workers for picking up the garbage during the blizzard. I think they did a great job, as well as the Street Department. That is all I have. Thank you.

Councilwoman Peterson: Don, they even delivered recycling bags in the middle of that.

President Ertel: In the middle of a blizzard. Very good. Thanks, Don. Wastewater/Sewer Committee?

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

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item on the agenda tonight, Mr. President. It is an ordinance rescinding codified ordinance 1307 and adopting the flood insurance study of Clinton County, Ohio and incorporating areas and flood insurance rates maps for Clinton County and incorporated areas and adopting flood control regulations and procedures for the City of Wilmington. This has actually been in the works for quite a while and we just got approval back from the EPA from the new flood plains. Fortunately, because our departments have actually been staying on top of things and currently we have had very, very little change. We have had some properties that were already affected that the flood plain lines had moved a little bit and a little bit of city property that has been affected, but the residents as a whole are unaffected, which leaves us in pretty good shape. I am thankful that we don't have the issues that Sabina is facing. I think we are good to go ahead.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the ordinance Rescinding Codified Ordinance No. 1307, Adopting the Flood Insurance Study of Clinton County, Ohio and Incorporated Areas and Flood Insurance Rate Maps for Clinton County, Ohio and Incorporated Areas, and Adopting Flood Control Regulations and Procedures for the City of Wilmington.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: That is all, Mr. President.

President Ertel: 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 Mark McKay – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, there was no report.

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- In the absence of Service Director Larry Reinsmith, Mayor Raizk: No report.

President Ertel: He is still on the snow plow?

Mayor Raizk: Yes.

President Ertel: Okay. Safety Director?

Safety Director – Safety Director Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer's Report – January 2010, 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.

Mike Stout: I live at 656 Rombach Ave. I have been there since 1991. My wife has been there since 1977. Over the years, we have had problems with trash, un-mowed lawns, parties and various unkempt properties. I turn in complaints to Ernie's department. They send out their warnings and after all of that, usually the offenders kind of half-way pick it up. I'm not talking about just the newspaper or a couple of pieces of trash laying on the lawn – trash thrown everywhere, construction material laying all over the place, the building is falling in, porch is falling in, stuff like that. Right across from me right now, there is a house there that has had a porch falling in for a year and a half. It has construction paper around it and it is still not fixed. He has worked on it a little bit and that's it. And then, once it warms up, we get to look forward to the parties that happen around our area. What usually happens is fights every night. Pretty much under-age drinking behavior. It is not as bad as it used to be, but the reason it is not as bad is because the Gobblers and the people next to us have moved around to the front of the house. A couple of weeks ago, I am sure everyone heard about the big fight they had out there. It is not as bad as it was, but that is because they have moved around to the front of the house. A month ago, our 11-year-old granddaughter said to my wife and I, "You have a nice house, but you live in a bad neighborhood," and she's right. Over the last 5-10 years, it has gotten much worse. I guarantee that no one here would live the way we do right now, with the way it is run down around the area and the parties and pretty

much just bad behavior all the way around. We need to remember that on Rombach we are one of the first places people see when they come into Wilmington – when they’re going through or just moving around town. We try to maintain our house. I’m not asking for people to keep it perfect...just the basics: keep your trash picked up and your lawn mowed and no drunken wild parties and stuff like that. I have turned in complaints, like I said, over the years to Ernie, and I know they do what they can, but we need to be a little bit more proactive about this, I think. The Police Department and the Council and the Mayor and everyone needs to, instead of waiting for a complaint to come in, especially in this neighborhood, I don’t want to see it get like the other neighborhoods that have pretty much cropped up in Wilmington. So, we need help. Like I said, I’m not asking for a lot. I’m just asking for the codes that are on the books to be enforced. There is a property across from me that Lil Stahl owns that is a Section 8 house that has carpet that has been laying out there for 7-8 months in the back of it. Not just a roll, but just tons of it, and we need some help. Does anybody have any questions?

Councilwoman Peterson: What was your address?

Mike Stout: 656 Rombach. I’m the tan two-story next to Liberty Savings.

Councilman Jaehnig: So, you back up directly to the Gobblers.

Mike Stout: Yes. You know, the thing with them, is like I said, they have gotten better because they take it around front because they know I won’t listen to it. But, they still shouldn’t be acting the way they do, especially once it warms up. And, it is not just them. It’s the whole alley up through there with trash laying everywhere. Once it gets warm, the uncut lawns. There are a couple of places where they will have it up to your knees before someone says anything about it. Usually they won’t, unless I make a complaint. I shouldn’t have to be doing this. You know, I can go next door and talk with these people. A lot of them are rental properties now, and the city needs to stay on top of this and I need to be a little bit more proactive about it too – instead of just waiting and waiting. I need to file more complaints or do whatever I have to do, but we need to get something done.

Councilman Jaehnig: I appreciate you bringing this to the attention of us. Because you know, this year particularly, it is very important that we put our best foot forward in every neighborhood – not just yours – but in every neighborhood. We have a lot of businesses and a lot of outside investors that are looking at our city. It is our bicentennial year. Everybody needs to make sure that we make a conscious effort to put our best foot forward. We have seniors that need help. Neighbors need to help neighbors. As a community, we need to step up and make sure that we put the shine on while we are trying to lure investors into our community.

Mike Stout: Everyone here should make an effort over the next couple of weeks, just go up the alley there by Liberty Savings behind us and just look at the properties there. The state a lot of them are in. The trash, like I said. You won’t see that as much, obviously, right now with all of the snow, but you will see a lot of rundown rear entrances. Some of them, like the one I was talking about, Lil Stahl’s, I don’t even think you could inhabit that place right now; it’s pretty rough.

Paul Hunter: You could do what I do. I take pictures and send them into Michelle. You can do it that way, and they have a basis to work with, and I am getting better results by doing it that way. Calling in kind of falls through the cracks.

Mike Stout: I have been turning in complaints. Maybe I should do that...take more pictures and turn them in over there at the zoning office. Like I said, too, everybody, including myself needs to be proactive about “Hey,” we need to get a hold of these people and tell them to maintain their property. You don’t have to have the Taj Mahal here in Wilmington, but you just need to have a decent, clean place.

Councilman Jaehnig: Clean. If you could at least have it clean, it makes a world of difference.

Mike Stout: Like I said too, once it warms up maybe a few more patrols at night up and down that alley, especially on Wednesday nights and Friday and Saturday nights as far as the partying.

Councilman Jaehnig: Wednesday is a big night?

Mike Stout: Wednesday is a big night. It's Wednesday or Thursday.

Councilman Jaehnig: Why is that?

Mayor Raizk: Where have you been?

Councilman Jaehnig: I've lived a sheltered life.

Mayor Raizk: No. We all get calls.

Mike Stout: I've made plenty of calls to the Wilmington Police Department, and they moved around front and that did make it easier, but it still shouldn't be going on, half the stuff that does over there.

Mayor Raizk: No. But you've called.

Mike Stout: Right.

Mayor Raizk: Keep calling.

Mike Stout: But, obviously everyone, I think, needs to do a better job, including myself.

Mayor Raizk: Yes. We'll all try harder.

Mike Stout: Thank you.

Council members thanked Mike Stout for coming.

Scott Kirchner: 245 S. Mulberry St. First of all, I want to say that I think from out here in city land, we owe all of the workers who have helped remove snow from the city streets a big thank you. They have done an excellent job and they have had an awful lot to do here recently. I know that that tasks them incredibly because the hours just go on and on and on, especially with back to back to back to back storms. So, I just wanted to come up and say thank you for the work that they do and note that they are doing it well. I would offer a thought that I think it is sad that a citizen has to say that he needs to take pictures of code violations when we have a very well paid code enforcement official on the city payroll. I can tell you that I have driven through Rombach and know the exact porch he has talked about that has been there for years, falling down and falling apart. I don't think it is his responsibility to take pictures and report violations to the city when we pay someone to enforce those codes.

Mayor Raizk: That property – we have been pursuing it.

Scott Kirchner: I just wanted to say that I don't think it's his job at all. I think there is someone paid to do that on the city payroll.

Councilwoman Peterson: I've been involved with that property for a long time-the one with the porch - and then somehow they put up some caution tape thinking that they were finished.

Scott Kirchner: I feel safer seeing that, I will say that.

Councilwoman Peterson: I was very happy to see that.

Scott Kirchner: The other thing that I wanted to come and express some concern to council about, I had read about the January income tax receipts and I will check with the

treasurer, were those at the level that was expected based upon the projections and the budgeting crisis?

Geoffrey Phillips: Yes.

Scott Kirchner: I know that that budget still remains \$2,000,000, and thank you, Mr. Mayor, for your success with ODOT in not making it go \$2.2 dollars over budget, but I will renew my concern that council must act responsibly to reduce spending to a level that does not bankrupt the city. I know that I previously came with a half-million dollars in suggestions and I realized that Councilwoman Peterson quickly dismissed them, but I would offer that council needs to start considering ideas outside of their own because \$2,000,000 over budget is \$2,000,000 we don't have. 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 on Thursday, March 4, 2010, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by Jaehnig and seconded by Mead 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, February 18, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Also, I would like to have three readings on an ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of Wilmington, and declaring an emergency. Any discussion?

A motion was made by Mongold and seconded by Wallace to give the first reading only on the 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

In the absence of the Director of Law, President Ertel 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; Mead, 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; Mead, yes; Mongold, yes.

Motion passed.

President of Council declared Ord. No. 4902 passed as read.

President Ertel: That completes my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any official report. We have members of the firefighters here and also the police department. As you know from our discussion (Mike, you were at your thing this weekend), because I called all of you on the findings that we got back from the fact-finder. Of course, the seven days has expired, and we want to thank everyone for the way they worked on this. Also, we just received [the contract]. I actually haven't had a chance to look at it yet, but it is substantively the same. I will be calling on the firefighters. But, I would like to take the opportunity to publically thank them for their hard work on this. They really worked together with the city to get this thing worked out. They will expect a call from me so we can go over this, and they have some things to do by Tuesday, and then the same situation will occur there. Again, gentlemen, thank you very much for your efforts. It really helps. Thanks.

President Ertel: Okay. Thank you very much. Moving into committee reports... Asset, Acquisition and Use?

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

President Ertel: Thank you.

Councilwoman Mongold: I do need to report that I spoke to Councilman McKay today and he said to send his regards to all of you from sunny Florida.

President Ertel: Very good. No Auditor.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have a resolution tonight – the then and now expenditures. Are there any questions? I think we all understand what that is.

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

Motion passed

President Ertel read 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; Mead, yes; Mongold, yes.

President Ertel read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2190 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 no report.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you.

Councilwoman Peterson: I have a question...is there going to be a follow-up meeting for some of the items that were discussed during the last meeting?

Councilman Wells: Mr. Hunter and I were speaking about that earlier. We were kind of hoping that Larry would be here tonight to talk about that. Mr. Mayor, do you know if Larry has found out any of those figures or facts for the landfill?

Mayor Raizk: I don't think he has it in proper form yet, but he does have some of that response back. I think we can set a meeting sometime soon.

Councilman Wells: Sometime soon?

Mayor Raizk: Yes. We will do that. I do know that he has some of that data back that was requested.

Councilman Wells: Okay. Thank you.

President Ertel: Okay. Very good. Solid Waste/Recycling, did you finish everything up that you needed?

Councilman Wells: Yes.

President Ertel: Very good. Wastewater/Sewer?

Wastewater/Sewer Committee: In the absence of Chairperson Mark McKay, Councilwoman Peterson: We have no report.

President Ertel: Very good. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have five items tonight. The first item is the second reading in regards to the flood plain acceptance and insurance. Again, as I stated last week, we are very fortunate, unlike some of our surrounding communities, in having very, very little effect because of the fact that we have done a very good job of keeping up on it. So, we are doing the second reading tonight and will put the third reading on the next meeting.

A motion was made by Jaehnig and seconded by Peterson to give the second reading only on the ordinance Rescinding Codified Ordinance No. 1307, Adopting the Flood Insurance Study of Clinton County, Ohio and Incorporated Areas and Flood Insurance Rate Maps for Clinton County, Ohio and Incorporated Areas, and Adopting Flood Control Regulations and Procedures for the City of Wilmington.

Motion passed

President Ertel read ordinance by title only.

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

Councilman Jaehnig: The second item tonight, I don't know if this is each year or every other year, we approve the CHIP program for community development and we are in that process right now. The first item we have is a resolution authorizing the submittal of an application for the 2010 Community Housing Improvement Program Grant. We are going to ask for three readings and declare an emergency on that so we can get this grant paperwork in properly. Earlier tonight, they did have their second public meeting and are prepared to move forward.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the resolution Authorizing the Submittal of an Application for the FY 2010 Community Housing Improvement Program Grant and Declaring an Emergency.

Motion passed

President Ertel read resolution by title only.

Geoffrey Phillips: A quick question...at what point will we have final definitions as to how the money will be spent?

Clerk Laura Curliss: It will be in the grant.

Mayor Raizk: It will be in the grant. If we get approved, this is another cycle. We were not approved last time.

Geoffrey Phillips: Having attending the meeting tonight, I didn't think we have really finished our work...

Mayor Raizk: But this is mainly for the submittal. It is not for the finalization.

Geoffrey Phillips: Thank you.

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; Mead, yes; Mongold, yes.

President Ertel 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; Mead, yes; Mongold, yes.

Motion passed.

President of Council declared Res. No. 2191 passed as read.

Councilman Jaehnig: The third item tonight is related to the second item in regards it will allow us to hire CDC of Ohio for the purpose of preparing this application for the community improvement grant.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the resolution Authorizing the Hiring of CDC of Ohio for the Purpose of Preparing an Application for the FY 2010 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.

President Ertel 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; Mead, yes; Mongold, yes.

President Ertel 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; Mead, yes; Mongold, yes.

Motion passed.

President of Council declared Res. No. 2192 passed as read.

Councilman Jaehnig: Item number 4, again relating to the same topic. I'm going to ask for three readings on a resolution appointing the city's representative for the FY 2010 Community Housing Improvement Program grant and declaring an emergency.

Director of Law Kathryn Hapner joined the meeting.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the resolution Appointing the City's Representative for the FY 2010 Community Housing Improvement Program Grant and Declaring an Emergency.

Motion passed

The 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; Mead, yes; Mongold, yes.

The Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2193 passed as read.

Councilman Jaehnig: The last item we have on our agenda tonight is the last housekeeping item in regards to the same topic again. This is allowing office space, utilities, and auditing costs and in-kind services for this same program, the Community Housing Improvement Program. I am going to ask for three readings and declare an emergency.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the resolution Committing Office Equipment, Office Space, Utilities, Audit Costs and In-Kind Services for the FY 2010 Community Housing Improvement Program (CHIP) and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Councilman Mead: I have a question. Are these funds that we're talking about here... according to our agenda, we're looking in the \$15,000 to \$20,000 neighborhood...is that money in the budget already?

Clerk Laura Curliss: It's in-kind services...like Mary Kay's efforts to audit the grant – that would be counted. Her salary is already paid for, but they can count that.

Councilman Mead: There is a \$15,000 stipend in there for hiring somebody.

Clerk Laura Curliss: That comes out of the grant. It's a no-cash match grant.

Mayor Raizk: That's part of the grant, Bob.

Councilman Mead: Okay. Thank you.

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; Mead, yes; Mongold, yes.

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2194 passed as read.

President Ertel: Anything else, Rob?

Chairperson Rob Jaehnig: No. I think that's enough.

President Ertel: Okay.

Councilman Jaehnig: Thank you, Mr. President.

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 – In the absence of Convener Mark McKay, Councilwoman Mongold: No report.

President Ertel: Okay. Parks & Recreation?

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

President Ertel: Excellent. Thank you. Mr. 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 – Safety Director Nick Babb: Just to echo the words of the mayor and thank the fire and police unions for their work on the contract negotiations. There were a lot of meetings and a lot of discussion, I just want to thank you guys for being part of it.

President Ertel: Very good. Thank you.

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Hotel Lodging Tax Receipts Report – 4th Quarter 2009, and the Income Tax Report – February 2010, as received.

Motion passed.

Reports accepted as received.

Councilman Wallace: Can I ask a question? Is the Wilmington Inn closed? There are zero dollars reported here.

President Ertel: I do not know the answer to that question.

Clerk Laura Curliss: I know the answer. They are collecting it. It just didn't come in for this report.

Councilman Wallace: I just knew we were missing something.

Clerk Laura Curliss: They are not closed.

President Ertel: Are there any other questions?

Paul Hunter: So, why is it zero?

Clerk Laura Curliss: It is coming. It is slow.

Paul Hunter: It's too early in the month.

Clerk Laura Curliss: No.

Councilwoman Mongold: They have not [Inaudible for Transcription]

Clerk Laura Curliss: The auditor was going to report, but he is not here.

Paul Hunter: Nothing?

Councilwoman Mongold: Not for the month of February.

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.

Pat Haley: My name is Patrick Haley. I live at 185 Woods Edge Court in Wilmington. I am running for Clinton County Commissioner. I just wanted to take two minutes of your time. At least I'm trying to run for Clinton County Commissioner, and I hope we can get through a few hurdles. I think we will. With the exception of just a few of the council members, I've known most of you for probably 30-40 years, and I think most of you know me. You know, I have a record in public service, and that record includes working with the City of Wilmington. I think that is very, very important to do because the issues and challenges we face right now are much larger than just one body – it's a regional problem. There are regional challenges, and I think we have to be on the same page. We have to have new ideas; we have to have some new blood. It is one of the reasons I am running. I really have four main reasons. Taxes, leadership, budget and jobs. You are all concerned about the same thing. I am concerned about the things that you are. We need strong law enforcement, we need good fire protection, life squad and we need salt when it snows. We need good roads. So, we have a lot of things in common. I feel like, because I was born and raised in this community, my concerns run very deep here. These are the reasons that I am running. This is not a career move for me. But, I feel so

strongly that we need to step up and address these problems together. I think we can do that. Although, this is a quick meeting, I am not going to make a long political speech. But, I did just want to share with you my desire to work with you if I am successful. I feel we will have a very good relationship in the future. I will be glad to answer any questions if anybody has any.

General council members: Thank you.

Paul Hunter: Have you considered taking a pay reduction? While they are asking other county employees to take furloughs and leave without pay, the fairly handsome salary and benefits could probably take a little reduction. It would be a good symbol.

Pat Haley: You know, it is part-time position and the pay...I know there are a lot of outside responsibilities besides just the meetings, but yes, I would do that. I would take a reduction in pay. I think it sets an example for the county. I'm not speaking for the city, but I am speaking for the county, because you know the county is in a situation where they are going to have to reduce government spending, and they are probably going to have to cut some services. I think it starts at the top. It is unfair to ask some of the other departments to cut positions and cut salaries and not do it yourself. So, to answer your question, yes, I would certainly consider that and make it a priority. Thank you.

President Ertel: Thank you. Any other persons?

Mayor Raizk: I just want to send congratulations and forward going good luck to the Wilmington Hurricane. You know, it seems like it wasn't just a couple of years ago that we had gotten as far as we had ever gotten before in a tournament team, and now we kind of expect it. I guess that's what comes with success – you want to breed more success. I want to send them the community good wishes. I was going to have the Wilmington Quaker Basketball Team come here tonight, but they left for Virginia today for their first every NCAA tournament. Yesterday, I was able to go and give them a proclamation. I went out to practice last night for a little bit and wished them well and carried the good wishes of council and the City of Wilmington to them as well. So, we're going to have an interesting month here, hopefully, with the success of our teams. I just wanted to let everybody know what was going on, and I certainly wish everybody good luck.

President Ertel: Very good.

Paul Hunter: Just a quick comment. If we're going to take away my right of referendum on some of these, I would like to know why it goes to emergency. I think, and I'm not sure, I think it says that you have to state the reason for the emergency. We're not even bothering to put the welfare and benefits stuff that we used to put on those.

Clerk Laura Curliss: No, it is on there, Paul. It is an April 1 grant deadline. You either pass it as an emergency now or at the next meeting – one or the other. It is in the ordinance.

Paul Hunter: It is in the ordinance that the reason it is declared an emergency is because...?

Clerk Laura Curliss: It is an April 1 deadline.

Paul Hunter: Okay. Thanks.

Councilman Jaehnig: Mr. President.

President Ertel: Yes, sir.

Councilman Jaehnig: Last week we had a citizen by the name of Mike Stout stop in and talk to us about the condition of properties in his neighborhood. It got me thinking as I drive around. I am a very positive-thinking person in general. I believe that 2010 really has the potential of being an incredible year for the community and the county. We have

come through the dark winter and we're ready to move forward. As the airpark issue becomes resolved...knock on wood there...I believe we have a golden opportunity as citizens, as landowners, as business owners. As we move into 2010, we're going to have a lot of visitors coming through this community and looking at, hopefully, investments and moving their corporations or people looking to move their families with those types of issues. As spring starts to spring, and this is going to be our first nice warm weekend, while we still may have some bad weather coming, personally what I would like to see, if every citizen could just take the time to look at their own yard and do what they can to put the best shine on. I mean, a lot of us don't have the money to do a lot of painting and plant a lot of shrubs and so forth. But if we could at least make sure this year that the yards are mowed and the garbage is picked up and that we put the shine on the city and really put ourselves forward. As these individuals come through our community we want to put our best foot forward. And, after you have taken care of your yard, take a look at your neighbors'. You know, there are a lot of senior citizens and a lot of individuals that could use a little bit of help. Please, now is not the time to stop helping your neighbor. We have gotten through some really rough times, and I think 2010 could be a fantastic year. Now is not the time to let up. So, I am promising to put my best foot forward, and I am just asking the citizens to do the same thing with their own properties and their own neighbors and help out. 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 Peterson to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on March 18, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Mead, 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 so much. I would like to welcome you all to the meeting, especially the young Girl Scouts that are here. If you have any questions throughout the meeting, just raise your hand and I'll be glad to explain what we are doing, because sometimes it goes pretty fast. Anyway, anything that I can do to help you understand the meeting, I will be glad to do so.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the last regular meeting, March 4, 2010, as received.

Motion passed.

Minutes approved as received.

President Ertel opened the public hearing on the City of Wilmington 2010 CDBG Program.

Whitaker Wright: Thank you, Mr. President. This evening we are going to have the second public hearing for the City of Wilmington's 2010 housing grant or CHIP grant. This year, the City is eligible to apply for up to \$500,000, with the application being due April 1. The City's Housing Advisory Committee met twice in the last several weeks and considered several different possibilities. The first activity they considered and talked about was the home repair activity. It is an activity that allows the city to help homeowners fix one or two major problems with their homes. It would be federal CDBG funding and we would be allowed to apply for up to \$125,000, which would be about 12 households that we could assist. The second activity that the committee discussed is a continuation of a private housing rehab program. That allows the City to help homeowners bring their entire house up to the state's standards. The difference is that instead of spending about \$10,000 on a project, the City can spend up to \$40,000. We would probably do about five houses with the \$200,000 in funding. The third activity that the committee discussed was working with Habitat for Humanity to build two new houses. On the last page of your handout, there is a map that locates their properties. They own two lots: one at 232 Hawley Avenue and one at 540 Belmont Ave. The City will assist them with about \$40,000 for the two projects. The local chapter will probably spend a total of about \$96,000, so it is a good match for the city's funding. The final activity that we talked about within the grant was tenant-based rental assistance. This is a mirror image of the Section 8 program. The committee had quite a discussion about this. We looked at these funds and several members inquired whether or not we would be permitted under the state's rules to take some of those funds for emergency monthly housing payments and use that money to help the shelter house people in motels when the shelter is full. I talked to the state about that activity, and they said that they would not permit it with federal community block grant money. However, the Clinton County Homeless Shelter is a member of the Consortium that is run by Fayette County, and they are eligible for the homeless prevention and rapid re-housing funds. I spoke with the manager of that program and he said that under very strict conditions, the Clinton County shelter can house people in a motel if the shelter is full by using that money. I thanked him, and I will be emailing the shelter tomorrow and letting them know that. I know that those funds are at a premium as well. They are aware that these funds are available. I just want to double-check that they know that they can use it for motel vouchers. Since we could not use the housing grant money for hotel vouchers, we defaulted to using the funds for the tenant-based rental assistance program that would be run through the Housing Authority. That would help possibly 12 households with housing for about 18 months. Finally, we have an allocation for \$1000 to promote fair housing in the city. The program disseminates and holds meetings on fair housing

throughout the city and then with the administration of the program, the allocation is about \$59,000 total. We talked about targeting funds in the community, and on the map on the last page, you will see that we are going to continue to focus on the southeast portion of the city. That is the current target area for Neighborhood Stabilization funding, and we have identified several properties in the neighborhood that will be demolished in the next month. By way of an update, the NSP program is going out for bids to demolish five units in the city. One is on Grove. Another is on West Main, one is on Belmont, one is on Howard, and one is on West Locust. I know a lot of people smiling and are happy to see those are going down. In addition, Habitat for Humanity is evaluating three potential properties that the City could help them acquire and then demolish – vacant structures. One is on Grant, one is on Wall, and one is a recently fire-damaged property on Paris Avenue. They need to approach the owners in a voluntary sale, and it is very much an arm's length transaction. The owner has to agree, and it is a voluntary transaction. In addition, Habitat for Humanity owns a property on Hawley Avenue that they are willing to let the City demolish. I open the floor for questions.

Councilman Jaehnig: Once those demolition bids go out, how long?

Whitaker Wright: I believe they went out on the 8th and 15th. They should be opening bids at the end of the month and then they will compare bids and then do a contract award, so I am guessing early April.

President Ertel: Okay. Any other questions? Whitaker, thank you so much.

President Ertel closed the public hearing on the City of Wilmington 2010 CDBG Program.

President Ertel: Okay. At this time, that completes my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I have a very joyous thing to do this evening, so with your permission, I am going to scoot out here. I would ask Chief Mason to come forward and for Patrick McCall to come forward. Many of you may have read, as it has been reported in the paper, but we are so proud of Patrick McCall. If you will remember, some time ago there was a fire on South Walnut Street where Firefighter/EMT McCall risked his life, went in through a window, and rescued a citizen, without regard for his own personal safety. He was nominated by a member of his department, Kate Earley, for the Syrian Shrine Heroism Award in Cincinnati. You may have read about those. He was selected to receive such an award. We are very, very proud of that, and we think all of Wilmington should be proud. We appreciate you. Not only are we proud of your award, but I think it is a testament to how your department and your colleagues feel about you. Would everybody stand up who is here representing the Fire Department? I think that is quite a testament, Patrick, of your colleagues and how they feel about you and how they think about your work. So, we would like to give you our own plaque, and then we want you to show off the one you got. "In recognition of Patrick McCall, Firefighter/EMT, on receiving the Syrian Shrine Award for Heroism, March 10, 2010, with appreciation from the City of Wilmington for distinguished service in the protection of our citizens." This is a plaque that has our new bicentennial coin on there, so we would like to give that to you.

Patrick McCall: Thank you.

[Applause]

Mayor: This is the very beautiful plaque that Patrick received. We're very proud of you.

Patrick McCall: Thank you, sir.

Mayor Raizk: Thank you.

[Applause]

Mayor Raizk: Since there is no way to top that, Mr. President, that is all I have.

President Ertel: Very good. Thank you very much. I would like to move into committee reports right now. Asset, Acquisition and Use, please?

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

President Ertel: Thank you. Income tax time, no auditor.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have two items tonight. 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; Peterson, yes; Wallace, yes; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4903 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations. Item B, we need to change that amount from \$607 to \$260 because this is to reimburse for college tuition and one of the amounts has not received supervisor approval yet, so we need to change that amount.

A motion was made by Mongold and seconded by Mead to amend the ordinance making supplemental appropriations.

Motion passed.

Ordinance amended.

Councilman Wallace: Can I ask a question?

President Ertel: Certainly.

Councilman Wallace: What is “A,” Incidentals, the \$2,000?

Councilwoman Mongold: Those are dollars that we have received from the grant. I believe, (was it air packs, Andy, that we purchased?), after they were purchased, we had this amount, \$2,376 left, so we are just reimbursing the portion of the grant funds we didn't spend. Okay?

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

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4904 passed as read.

Councilwoman Mongold: That is all we have tonight. Thank you.

President Ertel: Okay. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have no report.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Okay. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item, Mr. President, the third and final reading on the ordinance adopting the flood insurance plan map and it should have been covered enough. Are there any additional questions in regards to this?

Clerk Laura Curliss: I sent you an email about just a couple of little amendments, a couple of little tweaks from ODNR.

Councilwoman Peterson: So we need to amend it?

Councilman Jaehnig: Right. It had more to do with language than the basis of it.

A motion was made by Jaehnig and seconded by Peterson to amend the ordinance adopting the flood insurance study.

Motion passed.

Ordinance amended.

A motion was made by Jaehnig and seconded by Peterson to give the third reading only on the ordinance Rescinding Codified Ordinance No. 1307, Adopting the Flood Insurance Study of Clinton County, Ohio and Incorporated Areas and Floor Insurance Rate Maps for Clinton County, Ohio and Incorporated Areas, and Adopting Flood Control Regulations and Procedures for 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 McKay to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 4905 passed as read.

Councilman Jaehnig: That is all we have tonight, Mr. President.

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 Mark McKay – No legislation tonight, Mr. President, but there will be a lot of good things going on in the downtown this summer to help us celebrate our bicentennial, and I think it is going to be a good kickoff and just a great summer, so stay tuned.

President Ertel: Very good. Parks & Recreation?

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

President Ertel: Okay. Service Director?

Service Director- Service Director Larry Reinsmith: I'll make a few comments. I made these in streets committee prior to this meeting, but just to give you a little update on some of our road projects. Our first project, which will begin April 12, the Nelson Road project, they did about 80% of the storm sewer last year in the fall, so they will start that up on the north end around April 12. The project is scheduled to be finished by June 30. I know we are going to have a preconstruction meeting the first week in April. Schools will be there, and we will be coordinating the efforts of getting busses in and out of that location. I know it has been a long winter with some of those ruts in that roadway, so we will be getting that cleaned up. Our first stimulus project, Main Street, we have a preconstruction meeting scheduled for next Tuesday on that project. I am sure it will start soon after. I don't really know much about it until the meeting, but I did hear they want to start at the railroad tracks and move west on Main Street on curb and gutter and sidewalks and stuff. That project I think is scheduled to be completed on October 1. The North 68/Xenia Avenue project sells on March 25. Our Prairie Road project – we're just now starting the engineering on that. We can't start that project until July 1 – it is a public works project, and we will have that done by the fall too – probably in time to go over that new bridge there maybe – if it ever gets open. So, those are the roadway projects. I had a public works integrating committee meeting last night over in Lebanon. One of the big agenda items for the City of Wilmington was our brownfield project – the Randall/Textron project. We did a self score on that and we scored it at about 51. It went to the state DOD and they scored it a 53. It came back to the integrating committee. They scored it last night and gave it 50 points, so we got the maximum 150 points. There are seven projects in the state right now, \$26 million dollars to be divvied out on those projects, and our project is ranked third. The all seem to think it is a real good project. So, hopefully, we will hear good news here in the real near future on that project. I think that is about it, Mr. President.

President Ertel: Okay. Thank you. Safety Director?

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

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Auditor-Treasurer's Report – February 2010, 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.

Mayor Raizk: I just wanted to point out in your packets you have a piece about an art auction. I think most of you know, but we need to share. Shortly after the *60 Minutes* pieces, people from all over the country were offering their help and their services in many ways. An artist sent...how many boxes?

Clerk Laura Curliss: Well, they were packed in three boxes, but 65 art pieces for the needy.

Mayor Raizk: ...sixty-five art pieces for the needy. What we decided to do was hold an auction. The Board of Realtors are going to help do this auction – auctioning pieces off. We've had local art expert and artist Hal Shunk look at them and he has given what their values might be. They are various qualities but some are rather good and so we think a significant amount of money can be raised. The proceeds from the auction will go to...

Clerk Laura Curliss: The artist wanted it to go to the Homeless Shelter.

Mayor Raizk: The Homeless shelter – he requested that. This is on Sunday, April 11, at 6 pm. The General Denver Hotel is where the auction is going to take place. We want to make sure that that word gets out and everybody gets an opportunity to participate. It is a great cause and to honor this very, very generous donation from this person and honor their wishes. I just wanted to bring that to your attention.

President Ertel: Thank you, Mr. Mayor.

Paul Hunter: 200 Randolph Street. Over four months ago, Mrs. McGee of Doan Street came before council complaining about her neighbor's back yard. I don't know whether you guys remember it all or not. She said that she had been unable to get any action on the deplorable conditions in her neighbor's yard, 362 Doan. I will quote part of what she said. "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." Both the Mayor and Larry said that they would look into it. Recently, being aware of the spotty enforcement of zoning and building codes, I made a follow-up visit to the site last week and took the pictures that you see. I contacted Councilperson Peterson because it was in her ward. She seemed quite upset about the situation. I sent the pictures with comment to the Code Enforcement office and I was advised soon after that a violation letter had finally been sent to the property owner. Two questions come to my mind. Why should it take action by a regular citizen to bring follow-up action on such matters? Why should I be the one on my own unofficial capacity to be doing it? Maybe you wish I wouldn't, I don't know. The other question is would this situation had prevailed for months if it had occurred in Timber Glen, Warren Knolls, Peterson Place or Denver? I think not. I have offered council a way to augment the code enforcement department's limited manpower by enlisting a potential 4000 pairs of eyes to the problem. The quick reference list you see on the back of these papers. I asked that they consider inserting it into the utility bill envelope periodically so that all of the citizens know what is and what isn't a violation. Now, most don't really know. Even a lot of us don't know. We have traveled down East Locust Street for months, for years, with [Inaudible for Transcription] and For Rent signs and Step-In signs in front of the Haught Realty office. Well, nobody said anything, but it is a violation of code on several fronts. The average guy doesn't realize that it is, but you can't have those according to our ordinances. So, I am asking just to consider that and to think of poor Dee when someone comes before council. She hasn't been back to my knowledge. Maybe she has contacted you guys; I don't know, again. It is not a very good thing.

Councilwoman Peterson: Paul, I will just make a couple of comments. Probably the most common comment that administration hears from me when I bring these types of issues is "would you want to live next door to that?" The answer is "no." I share your frustration. I would encourage you...we have a Judiciary Committee meeting on Wednesday, and I appreciate the fact that Councilman Jaehnig has scheduled that, because we need to sort through any issues.

Paul Hunter: Some of these things...I don't care...if we don't think they're right, we should just take them out of the ordinance. Some of these things that are awkward or unenforceable. But, when you have an ordinance on the books and people know that you aren't enforcing it, they lose all respect for the whole package of ordinances, in my opinion.

Councilwoman Peterson: We don't have the answers for that and that is why we are having this meeting – because we need to understand.

Paul Hunter: In my travels to date, the owner of that property that is so bad is over in your ward in the alley between Wood and Grove that goes from Vine down to Sherman. The same person who owns this house lives there, and it is even worse.

Councilman Jaehnig: We have multiple situations in the city.

Paul Hunter: I have also reported that incident.

Councilman Jaehnig: One of my concerns was, just sending it out without actually reviewing the situation to make sure that our ordinances are proper and that we're ready to move forward on a strong footing. Because I agree, it is a situation that needs to be addressed for the comfort of our citizens. Nobody should have to live in a situation where they are having to put up with somebody else who doesn't seem to be very considerate about their fellow neighbors.

Paul Hunter: And you made the point at last council about sprucing up the city. It was even in the paper, because we want people to come in and see it in a nice way.

Councilman Jaehnig: And we want people to move into the city.

Paul Hunter: One of my favorite [Inaudible for Transcription], the yard sale signs as spring arrives are about to proliferate across the City, which is another consideration of mine.

Service Director Larry Reinsmith: One comment on that, Paul, and I know...I went out and looked at those. You know, she had a complaint about wood on the porch. I don't know if you saw that house next door...

Paul Hunter: Yeah, I went there...

Service Director Reinsmith: They had about two cords of cut firewood on that front porch, which is not illegal.

Paul Hunter: I don't think that it is. I agree.

Service Director Reinsmith: No, but did you see it?

Paul Hunter: Yes.

Service Director Reinsmith: She didn't like that.

Paul Hunter: Well, she didn't like the car either.

Service Director Reinsmith: But, the car wasn't there when I went. That was two or three months ago when she complained about that.

Paul Hunter: But she said "car."

Service Director Reinsmith: And the car has come back now. They clean that lot up every time we turn around.

Paul Hunter: Have you been there over the last...? Maybe it has gotten worse; I don't know.

Service Director Reinsmith: I saw the pictures the other day...they came through...and I know they fired off some more letters. There are some things that people don't like, but it is not illegal.

Paul Hunter: I understand. It's complex.

Service Director Reinsmith: It is.

Paul Hunter: However, when somebody comes to you and she gets [Inaudible for Transcription] she is going to say, "The heck with it. Why bother?" and tell her neighbors, "Why bother getting involved?", "You can't fight city hall" and all of these old worn out axioms. But, you should expect something. And I'll shut up now.

Service Director Reinsmith: Another little side note...because some of these signs bother me too. We have signs on Rombach that we continually take down...they're pizza signs and they keep going back up. We tell him not to do it. And it is not because he has his signs up, but I have other people in shopping centers that want to put signs up and we say, "You can't put them in the right-of-way. Come April 1, there is going to be a new sheriff in town in the building department, because I'm the new CBO again.

Paul Hunter: Say that again.

Service Director Reinsmith: I'm the new chief building official and building inspector come April 1. You're going to hear about it one time, and the second time they're coming down, and you can go to court or go to jail. We play this game, we write letters, we take them down, they go back up, over and over again. Every time you clean it up, that cleans up the problem and you start anew.

Paul Hunter: It's never-ending.

Mayor Raizk: It's like this car. This car has been removed and the back yard has been cleaned more than once.

Service Director Reinsmith: There is a house over on Woodview that I was writing letters on 18 years ago. Every year it is a mess and every year we have to get it cleaned up, and every year it comes back.

Paul Hunter: Well, the ordinance is a little weak on debris. You have to admit that.

Service Director Reinsmith: I know that.

Paul Hunter: If it doesn't have [Inaudible for Transcription] running in and out of it, it's not a violation. The car...

Service Director Reinsmith: ...is a violation.

Paul Hunter: That's what I am hanging this on...is the car.

Councilwoman Peterson: That is why we're meeting Wednesday, because we want to make sure...

Paul Hunter: I look forward to that, if I may attend...

Councilwoman Peterson: ...that we're giving the administration what they need to enforce this.

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

Cliff Rosenberger: Mr. President, Mr. Mayor, I'm Cliff Rosenberger. I hail from the rather large city of Clarksville, Ohio...

Mayor Raizk: We won't hold that against you.

Cliff Rosenberger: ...village, I guess. I think we're catching up with you, Mayor, down in Clarksville. I haven't had a chance to meet with council in session. I, of course, have made a couple of your sessions. I am just here, of course, as a candidate for the 86th Ohio

House seat here that encompasses Clinton, Highland and Pike counties. I just wanted to be able to come here and talk with you in person. Of course, I feel I have some good experience. I have been blessed in my life to be able to dabble in experience in all three levels of government – local, state and federal. My reasoning for coming back to Clinton County and running is because of my neighbors, friends, my family and people I care deeply about. I returned to help find a viable, sustainable, economic way to get Clinton County moving again – and not only Clinton County, but Ohio. And that’s why I’m here. I feel I have experience in that area to help bring that to full – in several areas – specifically on the federal level where I was able to help in Intergovernmental Affairs through the White House as well as the Office of Political Affairs. I want to bring those experiences here. I am running because I see folks like my mother being laid-off, family friends, my sister who left UC to go to NKU to get a better educational experience because she gets better opportunities, because my friends no longer live here in Ohio and they have all had to move out to find better opportunities and jobs. One of my best friend’s father’s piano business up in Toledo just shut down because he could no longer keep up with the tax burden here in the State of Ohio. That is why I’m running... I care deeply about this county. I care deeply about the people that are here, and it hurts me every day to see the people suffering here in the county and the very people that are hurting is the government itself. That is why I want to start to help stand up and do something about it. More importantly, though, on a side note, I would also like to commend Patrick with the Wilmington Fire Department. I know specifically what it is like to be in a family of public servants. If I was smart, I would have been a fourth generation in the Clarksville Fire Department or the Clinton-Warren Fire Department, but I grew up with firefighters and I know what you go through every day and, more importantly, what your families go through every day. Christmases and birthdays – I always hate it when you are about to open a Christmas present and the fire tone drops. And Dad would always be like we’ll do it in about probably eight hours because it always seemed to be a structure fire on Christmas. But I understand what you go through and thank you for your service. As a member of Clinton County, you make all Clinton Countians, not only Wilmingtonians, proud. So thank you for what you do. The last thing I would like to note is I was honored to be able to make the Streets Committee meeting today – to be here with Josh Riley – and I just want to voice my support for the Veterans Memorial Highway project here on 73 and the 729 project. As a veteran of 11 years in the United States Air Force and currently serving with the DC International Guard and 113th Fighter Wing, I think it’s important that we recognize those that currently have given the ultimate sacrifice in the mission that they’re fighting because of the continuous war on terrorism that is going on globally all across the world. I commend you also on listening and hearing from other veterans groups, because it is important that we honor all of those that gave their ultimate sacrifice. I thank you for your time, and I look forward to talking to you more as I continue to get out in the public. Again, thank you, and thank you to you, Patrick, for your service and what you do. Thank you very much.

President Ertel: Thanks, Cliff.

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, April 1, 2010, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by Wells and seconded by Peterson 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 you all. Also, it looks like we have a young scout – an Eagle Scout, I’m guessing.

Unidentified male speaker: Not yet.

[Laughter]

President Ertel: Hopefully in the future. If you have any questions about how the meeting is run or so on and so forth, just pop your hand up and we’ll be glad to answer how everything works.

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

President Ertel: Also, I would like to mention about a notice to legislative authority here, an application for change in corporate stock ownership, GasAmerica at 393 E. Locust Street. That should be on hand at the office if anyone would like to view such. That basically does my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. It is my privilege and honor to have a proclamation tonight. I think I’ll come down here and ask for some folks to come up. I will ask for all of the keepers of the flame. This proclamation is:

***WHEREAS** The City of Wilmington and Clinton County were first settled in 1810, and the year 2010 marks their bicentennial.*

***WHEREAS**, the History and Legacy Committee of the Bicentennial Commission has planned many interesting activities and events throughout the year to celebrate our 200th birthday and to pay homage to the rich heritage of the City of Wilmington and Clinton County. This committee is comprised of representatives from all three villages in the County and the Historical Societies of Blancheater, Sabina, and Clinton County.*

***WHEREAS**, the City of Wilmington supports the celebration of the Bicentennial and is dedicated to honoring the history of the City.*

***WHEREAS**, while celebrating the distinguished past of the City of Wilmington, we also envision a promise of our future. The following slogan, adopted by the Bicentennial Commission, embodies this concept:*

“Celebrating a Place Called Home: Past, Present and Future”

NOW, THEREFORE, I, DAVID L. RAIZK, MAYOR of the City of
Wilmington, Ohio, do hereby proclaim the month of May 2010 as:

WILMINGTON HISTORY MONTH

*for the City of Wilmington and urge all citizens to share in the celebration
of the Bicentennial of Wilmington, Ohio.*

Mayor Raizk: So I will present that to you.

[Photograph taken of presentation of proclamation]

[Applause]

Mayor Raizk: I believe that is all I have, Mr. President.

President Ertel: Thank you so much. At this time, I would like to move into committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor still has the taxes going on.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: No report.

President Ertel: That is superb. 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, but I do have one comment. We have a Streets Committee meeting on April 22, and the matter in front of our committee is to change the name of a street to honor one of our fallen soldiers. I just want to make a comment that I have not been receiving any supportive communications from citizens. I just want to encourage, if there are any, for them to call me. Most of it is very supportive of honoring fallen soldiers within the county, because there have been a number of them, but not designated ones. So, there have to be other views out there, and I just encourage citizens to contact me if there are. That is all. Thank you.

President Ertel: Okay. Thank you. Solid Waste/Recycling?

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

President Ertel: Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: In the absence of Chairperson Rob Jaehnig, there was no report.

President Ertel: Safety Committee?

Safety Committee- In the absence of Chairperson Rob Jaehnig, there was no report.

President Ertel: Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – 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- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Safety Director?

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

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by McKay to approve the Income Tax Report – March 2010, 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. I am going to beat a dead horse one more time. At the last council meeting, I made a presentation about zoning enforcement. I was invited by a couple of councilmen, "Come to our committee meeting, and we'll get this thing developed." So, I spent a couple of days collecting data, writing some solutions, as well as identifying the problems, thinking that at the committee meeting I would be able to make some suggestions. As it turned out, the committee meeting degenerated into simply a "We can't do anything" sort of thing. "No, you can't do that." "No, we can't enforce that." "You can't take a car." At the end of an hour it was over, so I didn't have an opportunity, I felt, to make a meaningful contribution. I sent the members of the committee that data that I am speaking of...the suggestions, fixes, the identified problems. Nobody, except one person, answered, and he wasn't even on the committee...yeah he was. Mark acknowledged.

Councilwoman Mongold: I answered you.

Paul Hunter: That was just a follow-up. Same deal. You're not on the committee, though, right? That was gratuitous. I appreciate that. The end result of the meeting was that little was accomplished and the trash continues to accumulate unabated. One simple problem, for example, of what I had in mind, is we have conflicting junk car ordinances. One says one thing; another says another. They have been in there since '08. If nothing else, we should be able to resolve that. Say one is out and one is in, or modify one or something. That is one of about 15 things that I had written down. Another related issue, my neighbor called me the other day and said...everybody knows where the Planck's place is, it has been in the highlights, on Lytle Place over in Southridge. The Planck's have come before us, I suppose, for at least 15 years of being 15 cars in the front yard, sometimes trash. We've never been able to get them fixed up because we have never written the ordinances in such a way that we can get them. So we need to work toward...if we can enforce it on them...the poor neighbors. This poor neighbor said, "I tried. I don't want to make the man mad." She was afraid, so she called Councilman Jaehnig, because she saw in the paper where he said, "Let's get this city cleaned up" a couple of meetings ago. Well, he didn't return the call, nor did anybody else. I finally called or emailed into Michelle, and today I got an email that they are working on it. They found one car out of the 10 or 15 that are sitting there, so at least they have something. At the last meeting, Larry told me there is a new sheriff in town, so I got my hopes up that he was going to become the code enforcement official. I was mistaken. So,

there is a new sheriff for building inspections, but there is no new sheriff for code enforcement.

Service Director Reinsmith: No, but we're working on it. I went out there. In fact, I checked on that car today that you talked about. You know, I couldn't find it the last time. I asked you about that and I couldn't find it. You know, it was kind of hidden in here.

Paul Hunter: That brown car over there...?

Service Director Reinsmith: There is a new twist to that. We don't have it covered in our zoning code. That has been a conversion of a car into a dog house [inaudible for transcription due to laughter] he has the dog chained up to the post on the van. I said, "We'll have to look at that." When we sent out the original letter, it went to the wrong house, the one next door, so they have issued a new letter on that.

Paul Hunter: And the lady that was here who owns that house denied that it was there. Did anybody look at her place over on Grove, the alley where you can't get through because of junk?

Service Director Reinsmith: That's a constant project too.

Councilwoman Peterson: Paul, some of the other... I didn't bring my notes for that meeting... but the purpose of the meeting was to look at what was currently legislated because we were getting conflicting...

Paul Hunter: That is what it turned out to be. That is not what it was advertised to me to be.

Councilwoman Peterson: But that was always the objective – to look at the current process. I have just been jotting down and I didn't bring my notes, but there is going to be a subsequent meeting...

Paul Hunter: I'm going to be looking forward to that.

Councilwoman Peterson: ...where we are going to be working through those. Just off of the top of my head, one is junk cars. It was revealed during that meeting that if they are in the back yard, there is nothing we can do about it.

Paul Hunter: Yeah, but that's not...

Councilwoman Peterson: But we need to sort through that, because there is no reason to continue to report these if we don't have the process in place to do something about it. The other one was that I thought was a great idea to come out of that meeting, is that right now there are no fines.

Mayor Raizk: Yes. That is exactly right.

Councilwoman Peterson: We have to go through tremendous process before there is any remedy. A key point that was brought out is we could legislate that there are fines much, much earlier...

Paul Hunter: That was a good point.

Councilwoman Peterson: Off the top of my head, those are two that were identified that we are going to be discussing. There are a lot of gaps.

Paul Hunter: Well, did you look at what I sent you, Cindy, in depth?

Councilwoman Peterson: Yes. In fact, junk cars was actually one of your concerns. Why is it that if they are in the front yard we can act upon it? I would challenge that if my patio was looking out over four or five junk cars...

Paul Hunter: That person that was saying that has spoke...because it says in the very ordinance that I use that it is a violation of the health and welfare of the public.

Councilwoman Peterson: In my opinion, I think that we identified a number of opportunities that can be addressed. I felt very... because there were a lot of things that were revealed at that meeting that I didn't fully understand.

Paul Hunter: Geoff brought up some points a while back about temporary signs and banners. He thought maybe there should be a little more tolerance for people to help business. I agreed, and I offered a solution to that. If you want to put up a banner, go to the office, buy a \$2 permit, and time-limited, you can put it up for two weeks or whatever. I know it is a burden.

Service Director Reinsmith: No, no, no, no...I heard that. I heard even a \$30 permit...I've heard a lot of it...but it's not law.

Paul Hunter: Not now...no.

Service Director Reinsmith: If you want to do that, then you legislate it. I know they talked about addressing temporary signs and banners, but it has not been addressed.

Mayor Raizk: I think the committee made it clear on that meeting they wanted not to talk about signage but the other issues.

Paul Hunter: But I was told it was going to be signage. That is the reason I went there all prepared.

Mayor Raizk: But, you shouldn't feel like you weren't effective because I think there were a number of items we talked about. You know, there are gaps in that. As I have shared with you before, we get hamstrung. Things we think we ought to be able to do, and then we go to the point where...you know.

Paul Hunter: Well we are either going to fix it or we going to look like an Appalachian village down by the river, with stuff dragging, hanging...anyway...thanks.

Councilwoman Peterson: I think every [Inaudible for Transcription] is a step, and I think that was a good first step, because I think there were a number of items that were identified that we can make headway on.

President Ertel: Thank you. Scott?

Scott Kirchner: That's a security system on that vehicle. The one with the dog chain...that's just an alarm system.

[Laughter]

Scott Kirchner: 245 South Mulberry Street. See, you missed it. He's worried about somebody stealing or breaking into the car. It's not a dog house. I hadn't planned to speak tonight, but to Councilwoman Peterson's point, I would like to say that I believe that the effort to name these two highways in honor of these fallen young men in no way is meant to be a disrespect to any other of the fallen heroes that we have that have come from this county. I don't think that that effort, nor their sacrifice for our freedom that we all enjoy, should be disrespected because people feel that it isn't fair. Anyone can bring forward this idea and get the same honored bestowed upon any of the Clinton Countians who has given their ultimate sacrifice for our freedom. I don't know that you can decide which roads should be or shouldn't be in any kind of a logical manner. I think this is just about respecting the effort and the sacrifice. And I would hate to see the effort and the sacrifice disrespected over kind of hand-wringing that isn't meant to be there. This isn't a disrespect to anyone. The effort is meant to honor and I think that is something that needs to be held close as you make the decision about whether or not to honor that ultimate sacrifice. So, that would be my thought for you. Good luck with that.

President Ertel: Thank you. Thank you so much.

Terry Habermehl: 806 Crestview Ave. Wilmington. I would like to just take a few minutes, I think everybody knows me, but just to introduce myself. I just want to take a few minutes to let you all know why I am running for Auditor. I think you should know my background first. I am married to the former Beth Waddell for 23 years. We have two kids. I have over 25 years of finance and management experience. I currently teach finance and management at both the graduate and undergraduate levels at Indiana Wesleyan. They have campuses in Dayton and Cincinnati, and I teach at both locations. Ten years ago, if you would have told me I was interested in public office, I would have laughed. I was like a lot of people. And I tell Kathleen Blake that it is her fault that I am interested, because I went through Leadership Clinton. What it really made me realize was that I could sit back and complain or I could try and make a difference. I have decided to try to make a difference. I have done a good bit of public service, and for me this is the next step. Public office is the next step in that evolution. So, when I looked at where I could add the most value, I looked at my background and my education, and that is the Auditor's position. I think at this point in the county's existence, we need leaders who can and will work together at all levels to bring creative solutions to get people back to work. You have tough decisions to make in the next year. The county commissioners have tough decisions to make. You know, unfortunately, it is going to get a little bit worse before it gets better. I think when you look at the county commissioners, they have got to have numbers that they can depend on. They've got to have numbers that they can rely on and trust. On September 16 of last year, the Auditor estimated the balance in the general fund to be \$419,000 and change. The commissioners rightfully got worried. They started talking about layoffs. They went to the people of the county and they said, you know, "We're going to have to lay people off if you don't take voluntary furloughs. So, the people of the county took voluntary furloughs – one day a week – to help so nobody had to get laid off. On January 20 of this year, she certified the actual balance at \$1.3 million. That's a 68% difference. How can the commissioners make the tough decisions that they need to make if they can't rely on the numbers that they are getting from the Auditor's office. I've talked to a lot of township trustees. I have had township trustees show me letters where they have gotten a letter from the Auditor's office asking for a check because they overestimated the revenues and revenues didn't come through. How are they supposed to plan and be able to manage their budget if they don't get accurate numbers. It is no secret to anybody that the county is hurting right now. We are at 20% unemployment. I have heard the Auditor say several times that in 2008, the State Tax Commissioner ordered her to increase property values by a certain percentage and she worked with the State Tax Commissioner to get that down. Yet, on January 27 of this year, the State Tax Commissioner wrote an article for the front page of the News Journal that said the state does not do any ordering; they make recommendations. So, those numbers in 2008 were based on 2005-2007 property values. The law says that is the way it works. There is nothing that the auditor can do about that. The law also states that a reappraisal of every property in the county will be done once at least every six years. So, in 2009 we could have done a reappraisal, in 2010 we could have done a reappraisal. It is scheduled to be done in 2011. The Butler County Auditor had the same issue with the State Tax Commissioner. In 2008, the State Tax Commissioner said, "Sorry, you know that's the law." In 2009, the Butler County Auditor did a reappraisal of every property in Butler County and gave the people in Butler County some needed tax relief. The Clark County Auditor did the same thing. When our people are hurting as bad as they are hurting, I think we need people who are willing to stand up and put the people first and willing to fight for the people. To me, what the Butler County Auditor did and what the Clark County Auditor did, that is fighting for the people. That is one of the few promises I've made to people: If I am elected, I will fight for the people of Clinton County and I will put them first. If that means going to Columbus and fighting with the state, I'll go to Columbus and fight with the state. I have talked to several people at the state level that say CAUV levels are under attack again. It's an easy way to revenues to the state budget. If I am elected and that continues, I will go to the state and let them know how important that that benefit is to the farmers of Clinton County. I think that is what the people want and I think that is what the people deserve. So, I would be happy to take any questions. I ask for your

support. I ask for your vote on May 4, but more than that, I ask for everybody to vote on May 4. Go ahead.

Paul Hunter: I would like to give you a hypothetical that really did happen. If the law says you should bill an entity such as DHL and you see the law and you interpret that as an elected official and your responsibility. The prosecuting attorney, also your lawyer, says "No. I suggest that we don't bill them for the taxes due." Would you, on your own, move to collect those taxes? This is a real case, but it is a history.

Terry Habermehl: No, if the attorney says "no," that is your legal expert. I don't think that is the case here.

Paul Hunter: Then what is the case?

Terry Habermehl: Not with reappraisals in 2009.

Paul Hunter: No, I'm talking about....

Terry Habermehl: You have your attorney for a reason. He is the legal expert and if your legal expert says no, then...

Paul Hunter: But what if his advice is in error and you know it is an error.

Terry Habermehl: Then I would go to the next level in the legal system and I would say...

Paul Hunter: You would go to the District Court of Common Pleas, right?

Terry Habermehl: If that is the next step...yes.

Paul Hunter: Okay.

Terry Habermehl: Other questions?

President Ertel: Very good. Well, thank you, Terry.

Terry Habermehl: I have some literature here that I will leave with Laura.

President Ertel: Very good. We'll make sure that everyone in council gets that.

Terry Habermehl: 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 Peterson and seconded by Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, April 15, 2010, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President Ertel: Well, I'm so glad to see everyone here this evening. Welcome to all of you. Usually, we have about three people and tonight we have 30, so that's great. I'm glad to see everyone here.

A motion was made by Wells and seconded by Peterson to approve the minutes of the last regular meeting, April 1, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this point, I would like to turn it over to the mayor.

Mayor – Mayor Raizk: Thank you, Mr. President. I have a proclamation tonight, so I'm going to step down here. Come on up, folks. This is about "Parents Who Host, Lose the Most." It is about not being a party to teenage drinking and how even it is illegal for you to provide, even in your home, even with parents' permission, for those who are underage. There is a town hall meeting on this, since we're coming up on prom time and graduation and all of those as the weather gets a little nicer. The town hall meeting is going to be Thursday, April 29, 2010, at the Community Room downstairs from 6:30 – 7:30. Everyone is welcome. It is sponsored by the Mental Health and Recovery Center of Clinton County and Family and Children First Council, which I've said right for the first time ever.

[Laughter]

Mayor Raizk: I always say something about women and children in the life boats or something like that. I never can get it right. Family and Children First Council, with a grant from the Drug-Free Action Alliance. Everybody remember that. It is the 29th, Thursday, from 6:30-7:30. I want to issue the following proclamation. First of all, let's introduce Brad McMonigle, who is the Executive Director of the Mental Health and Recovery Center of Clinton County, and...

Barbara Adams Marin: I'm Barbara Adams Marin. I'm the prevention specialist at the Mental Health and Recovery Center.

Mayor Raizk: And Marsha Wagstaff.

Marsha Wagstaff: I am the family and children in the lifeboat first person.

[Laughter]

Mayor Raizk: There you go. I want to issue the following proclamation.

*WHEREAS, Adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems;
and*

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being; and

WHEREAS, it is illegal to give or allow your teen's friends to drink alcohol in your home, even with their parent's permission; and

WHEREAS, anyone found guilty of providing alcohol to youth can face up to a \$1,000 fine and six months in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; and

WHEREAS, adults have the responsibility to our youth to provide them with alternative opportunities by creating alcohol-free activities; and

WHEREAS, Drug-Free Action Alliance, through the Parents Who Host, Lose The Most: Don't be a party to teenage drinking campaign provides the educational materials to raise community awareness regarding this illegal and unhealthy practice; and

WHEREAS, The City of Wilmington encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local police; and

WHEREAS, be it resolved that the City of Wilmington not only discourages the use of alcohol by those below the legal age of consumption, but also exhorts all residents of Wilmington to refuse to provide alcoholic beverages to those underage youth, and will continue to take the necessary steps to discourage this illegal and unhealthy activity.

NOW, THEREFORE, I, David L. Raizk, Mayor of the City of Wilmington, Ohio, do hereby proclaim the 29th of April 2010 to be;

PARENTS WHO HOST, LOSE THE MOST: DON'T BE A PARTY TO TEENAGE DRINKING DAY 2010

[Applause]

Mayor Raizk: Thank you all very much. That is all I have officially on the agenda, and I believe the president has another presentation.

President Ertel: Before we move into committee reports and whatnot, I would like to turn the floor over to Wanda Armstrong due to timing commitments and so on. If you would, address us at the podium please. State your name and address for the record.

Wanda Armstrong: Okay. Thank you. Wanda Armstrong, 137 Anderson Road, Wilmington, Ohio 45177. Good evening, ladies and gentlemen. I consider it a great pleasure to be able to speak to you and an honor to serve as your County Auditor. As a County Auditor, I have acted as Clinton County's chief financial officer for the last 23 years, during which time there have been many accomplishments and advances in the Auditor's Office that I take great pride in. Since I became Auditor in 1987, I've worked to computerize the Auditor's Office and continue to keep up the technology in a cost-effective manner. The most recent improvement is our ability to update tax information on the web daily rather than monthly. As I have been out campaigning, people have asked me my opinion on what Butler and Clark County did in regards to annual revaluation. I would like to take this opportunity to address that question. First, you must remember that real estate taxes are a year in the arrears. In Clinton County, values from 2005 reappraisal to the 2008 update on residential improved properties were up, so the state agreed to consider the first tax of 2008 sales in with the update as the valuation started to decrease. This resulted in an average increase of 2.9 countywide. While I feel for all property owners the sting of taxes, I am a strong advocate for fair and impartial property tax evaluation. This is the reason that we have looked at [Inaudible for Transcription] declining market here in Clinton County. Increased sales seen in 2005, 2006 and 2007 were nearly wiped out in 2008. Actually, values were still a half a percent higher than the 2005 reappraisal. This is why no change was made for tax year

2009, which has the tax lien date of 1/1/2009. Currently sales in 2009 indicate values are down 6.92% from the beginning of the year. That is 6.41% from the 2005 reappraisal. Most neighborhoods need a 5-10% cut, more than a 10%. This is preliminary based on our sales ratio study. The state uses their own data accumulated from our sales during the year to approve our valuation abstract later this fall. I would be more than happy to sit down and talk to anyone who would like to further discuss this issue in length. My prompt attention to questions from the public as well as elected officials from all over the county is very much appreciated as they look for information. As I believe a lot of you know, I have always been a full-time Auditor and welcome anyone to email me, come in and sit down, to get their questions answered. I am proud of the office staff, which I have been able to assemble over the years, and believe my deputies and clerks are able to efficiently and effectively provide information and services to the general public. Many times I have been told by people how nice it is to do business with me and my staff. I have had the opportunity to get to know a lot of you throughout the years. I stand by my record of conservatism, fiscal responsibility, fairness and consistency. I believe that I can continue to offer the county experience and proven leadership. Each time I have taken office, I have raised my right hand and sworn to uphold all of the laws of the State of Ohio and the County impartially, and I will continue to do so as long as the voters allow me to be their County Auditor. I would appreciate all of your votes on May 4, and I appreciate your time this evening.

President Ertel: Thank you very much, Wanda. Okay. Let's move forward then into committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Tax time. There is no Auditor.

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 a quite a few items tonight. The first item is an ordinance establishing new funds. I would like to explain that the ARRA is for stimulus funds, and we are establishing new accounts here. We are required to keep track of the dollars. You are going to see in the supplementals where we do have quite a few dollars going to these accounts, but it is purely for tracking. We will never see or spend these dollars because they are coming in from the stimulus dollars.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing New Funds.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Mongold and seconded by Mead 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4906 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance changing the title of a fund. This is the "Community Corrections Fund" changing to "Community Corrections Fund - ISP 408." This is a grant for municipal court for the new probation person. These are actually funds paying one-half of an existing employee.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Changing the Title of a Fund.

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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4907 passed as read.

Councilwoman Mongold: Item “C” tonight, is an ordinance making supplemental appropriations. You have a list before you, and I just mentioned what the very large items are for. Are there any questions regarding supplementals?

Councilwoman Peterson: I have questions on the three “P,” “Q,” and “R” from the General Funds. Is there an anticipated...

Geoffrey Phillips: We did discuss that in committee on Monday. The increase for tax refunds, that’s [Inaudible for Transcription] end of the year. We do have a number of a requests that will take portions of that, but it will be back before the year is over.

Councilwoman Peterson: That is not the answer I was hoping to hear, but thank you. On, “Q,” were there layoffs in that area?

Kathryn Hapner: There was a change in employment. My administrative assistant, I changed that personnel. The previous employee has applied for unemployment benefits. We have filed an appeal on that. So, if we are successful on the appeal then that money goes away.

Councilwoman Mongold: Does that answer your question?

Councilwoman Peterson: Yes. Thank you. Then “R,” the request for \$50,000 from our general fund...

Councilwoman Mongold: ...that is for our attorneys. Blaugrund is a consultant. We have been having [Inaudible for Transcription] negotiations, grievances...

Councilwoman Peterson: Police and firefighters? Both?

Councilwoman Mongold: Yes. All.

Councilwoman Peterson: Thank you.

Councilwoman Mongold: Are there any other 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 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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

Councilwoman Peterson: I have one other question on “R” that suddenly occurred to me.

Councilwoman Mongold: Yes.

Councilwoman Peterson: Is this anticipated end of the [Inaudible for Transcription] for consultants or could it continue to grow?

Councilwoman Mongold: It could continue to grow.

Councilwoman Peterson: And there would be additional supplementals from the General fund.

Councilwoman Mongold: Possibly.

Councilwoman Peterson: Okay. Thank you.

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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4908 passed as read.

Councilwoman Mongold: The next item is an ordinance making miscellaneous transfers. This is coming from the court and they are going to be helping us with our property and casualty costs.

A motion was made by Mongold and seconded by Jaehnig 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 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4909 passed as read.

Councilwoman Mongold: Item "E" tonight is an ordinance making additional supplemental appropriations. These are negative supplementals. Are there any questions?

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; Peterson, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4910 passed as read.

Councilwoman Mongold: Item "F" 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 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 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2195 passed as read.

Councilwoman Mongold: That is all tonight. 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: Just a reminder that on next week on the 22nd, we have a Streets Committee meeting at 6:30.

President Ertel: Okay. And at that time we will be talking about the potential dedication of 73?

Councilwoman Peterson: Yes.

President Ertel: Okay. Very good.

Councilwoman Peterson: There are also a couple of other agenda items. One is an update on the discussion of Prairie Avenue with [Inaudible for Transcription] the county, and I apologize, but I forget the third agenda item.

Clerk Laura Curliss: There is one other item.

Councilwoman Peterson: I remember now. We are going to have a brief discussion about PODS on the street. I'm certainly looking forward to that.

President Ertel: Okay. Solid Waste/Recycling Committee please?

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 Committee?

Judiciary Committee: Chairperson Rob Jaehnig: No report, Mr. President. We will be scheduling a meeting relatively soon.

President Ertel: Very good. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization?

Downtown Revitalization Committee - Convener Mark McKay – There is no legislation tonight. I do have a couple of things to bring up. I think you found these in your packet. I alluded in the last couple of meetings, there is a lot going on downtown this summer, and I think this bears it out. There are numerous events, some of which have already

passed. I am going to put some over on the table there for those of you who would like to have a look at this. It is a listing of all of the things coming up this summer, and it is bigger and better than last year. There is one change...I believe the Farmer's Market is listed as not starting until July, but I think it is starting in June. We all know that we have had quite a bit of traffic congestion downtown and we all know the reason why and it is a good reason. We are going to have great things come out of it. Sandy and I attended a Main Street promotions meeting on Monday and one of the topics was that the merchants were of course concerned obviously about the traffic congestion and the no parking and things of that nature. The big thing was, and maybe you can help me with this, I know this isn't our particular call, but the no-parking signs, even though they have a date handwritten on them when the no parking takes effect, they say "No parking" and I think it is creating a situation where folks are possibly avoiding, especially those who don't know what is going on downtown. I don't know if there is anything we can do about that. If nothing else, if there is a way we can contact the merchants through Main Street or through somebody and just say, "Hey, it's going to be tomorrow," they could not have as many people on staff.

Service Director Reinsmith: Probably during the last week or two, they have been saw cutting all of the way from one end of town to the other. I think they're pretty much done with saw cutting. Monday they are going to start digging all of those cuts out, but they are starting at Nelson Road, so maybe they can jerk those signs and then put them back in in two weeks once they get closer to the area. Because, it is going to slow up now as they start digging with backhoes down through there, pulling all of that curb out.

Councilwoman Mongold: People see the "No Parking" but they don't see the dates on them.

Councilman Jaehnig: And it is not clear what the date means.

Service Director Reinsmith: We'll talk with the contractor and see when they can jerk those out.

Councilman Jaehnig: Those are signs that they are putting up?

Service Director Reinsmith: Yes. They put them up.

Councilman McKay: You know, our downtown merchants obviously are going to be struggling. They have been struggling anyway, but this makes it more of a struggle for them. I think anything we can do to help in that regard.

Councilwoman Mongold: And if we will just let them know prior to when they are going to be in the block on Main Street just so they know not to staff.

Service Director Reinsmith: I talked to Ernie and I told him that we really wanted it set up so Steve Brown could even attend some of those preconstruction meetings. That way he could kind of get up to speed as to where they are going to be and when they are going to be, and that way he can convey that message to the merchants too.

Councilman McKay: I spoke to Ernie about that too a couple of weeks ago. I guess it didn't happen, but if you'll support that...

Service Director Reinsmith: Yes.

President Ertel: Okay. Very good. One thing I failed to mention while we were on streets. In your packets, there are copies of resolutions from the Veterans Service Commission in regard to the renaming of State Route 729 and then also State Route 73. Those were in your packets for your review and so on and so forth, but I forgot to mention that to you. Parks & Recreation?

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

President Ertel: Are you going to have a big summer this year?

Councilman Wallace: Bigger than ever. We're trying.

President Ertel: Okay. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I just want to make one quick announcement. Mr. Unger gave me a complaint here a minute ago. The guy living next to him could probably use this announcement. On May 1, Solid Waste is having a recycling roundup out at the Clinton County Engineer's office. It is eligible to anybody in Clinton County. At that time, everybody that has old tires and electronics and computers and all of that stuff that they can't normally get rid of, they can bring them out there. It is limited to eight tires per vehicle. They like to have them off the rims, so here is a chance to get rid of them and not have to pay a lot of money to do it. It's on Saturday, May 1. It runs from 9 am to 12 pm. If we have any government entities here that want to get rid of their tires, if they have tires, if they go out there about 8 o'clock in the morning they can move them to the head of the line and move them through pretty quick.

Councilwoman Peterson: Larry, did you say that is at the engineer's office?

Service Director Reinsmith: Yes. So if you have computers and monitors that you want to get rid of, you can do it there too.

President Ertel: Very good. Thank you. Safety Director?

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

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer Report – March 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. Mr. Mayor?

Mayor Raizk: This week I had to do some things that I never thought I would ever have to do, never wanted to do, and still don't want to do. When I first came on as mayor in 2000, one of the focuses that I had was on our safety services. We have added new facilities, millions of dollars of equipment and additional manpower and personnel. All of those are things that I thought we needed and wanted, and it has been good. Circumstances have forced me to make some decisions this week that, as I said, I never thought I would have to make or never really wanted to make. I did not take them lightly. I know some folks are here and they're upset, and they need to know I am as upset as they are, because I and this council and previous councils have believed in trying to expand our services. But we're not the community that we were in 2000 or in 2004 or 2005. Over the last couple of years, since the announcement in 2008, I and this council have done everything we can to keep as many folks as possible working. I have fought vigorously, using everything I knew how, to try to keep people working that work for the City of Wilmington, because I think every one of them are great people and great employees. But, we finally came to a point where we no longer could do that. Our revenues were declining faster than we would be able to do. We really need to worry about our sustainability over the next couple of years. So, the decisions that I took and I made this week, I take with all seriousness. I think they are tough decisions, but they were necessary. We have had some other situations, especially with the Fire Department, where we have eliminated one full-time person per shift. As I have explained, because contractually, in order to do that, we had to lay-off the intermittents. That is still one more full-time person per shift than when I started in 2000. In 2001 and 2002, when we went on the push to get some more intermittents, I think we had three that were actually active on the roster. We had a few names, but.... So, we have added to that. But, the

intermittent firefighter's role has changed somewhat as well into a shift-dominated scenario. Again, nothing bad, nothing negative, that is just what it has evolved into. So, that is one of the reasons why contractually we must lay-off intermittents before any full-timers are laid off. Those are the rules and we abide by them. We have also made other lay-offs. In the police department, we have not laid anybody off, but have, through attrition, reduced an equal number of officers, four, as the full-time firefighters. How that came to be is we did not replace people when they left, in anticipation, and we were able to operate. I do not believe that we are jeopardizing the safety of the citizens of Wilmington and our contractual partners. I believe we are having to right-size due to our decreased revenue and our decreased activity. We are not making quite as many runs as we were and we are trying to keep that in line. The last thing I would ever do would be to jeopardize the safety of the citizens of Wilmington, Ohio. I care too much. I know this council cares, and I appreciate your support. We have also made other changes. These were not the only lay-offs on Tuesday. We laid off two Service Department employees. We have laid off an employee in Service Administration, Parks and Recreation (a full-time and a part-time), and then we have made other cuts. Council will be receiving, over the next few weeks, more reverse appropriation legislation as we memorialize the cuts as far as the budget is concerned. In other words, we are not just saying it, we are going to have that in there so this budget will actually be reduced. But, I just wanted to say those things because this is where it comes from. It is the last thing in the world I wanted to do. I never thought we would have the situation with DHL that we have, but we have it. I never thought I would ever be laying off anybody in the City of Wilmington. But, I believe for sustainability of this government and this administration and this council, to keep providing services to the city with the revenue that we have, I had to do that. If our revenue situation changes, I will be the first one to try to reverse this. Hopefully that will happen. It is going to take a little time, but I think with the acquisition of the airpark imminent and with some hope of new job creation, that we will be back in business like we were before and up and running. But for right now and for the foreseeable future, we needed to pull in our horns a little bit. Now, that is the official stuff. On a personal level, it breaks my heart, because I know it is not just about one person per shift or one intermittent firefighter or however many. Those are real people. They are people I know; they are people that I believe in. They are all honorable former employees of the City of Wilmington. Everybody that has worked for us, I believe has been the best we can be. I have always been very proud of them. We just reached a point where we couldn't sustain that any longer. I tried my best in 2008. In 2008, I was severely criticized for not making changes then. But, I felt as long as the revenue was still coming in, we needed to continue. I wanted to keep everybody working. The last thing I wanted to do was to contribute to what was going on out at the airpark. In 2009, I did the same thing. I said, "Maybe we can get through another year." We turned the corner on 2010 and then it became apparent, not just with the revenue that was not coming in from the airpark, but the decline of revenue from other traditional sources. As we were looking in one direction, it was hitting us in the back from the other. So, I just think that you all needed to hear that from me. I am sure that there are folks here that want to say some other things, but they needed to hear it from me as well. I still believe in our safety services. I don't think that there is anything that they have ever wanted or tried to get that I haven't been supportive of trying to do, whether it be equipment, whether it be additional personnel, additional facilities, additional training, because I believe that is the heart and soul of us. But we just reached a point where we needed to right-size for what was going on with what we had coming in. That is all I have to say about that. There are other things to do, and, like I said, it is my fervent hope that as more revenue comes available, and I pray God that it does, we can reverse this trend. I am hopeful that this is where we are, at least for the present, and we can continue this way for a while until we do start to get some more revenue in. So, that is all I have to say.

President Ertel: Thank you, Mr. Mayor.

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

Matt Brown: 2143 Oakwood Dr. Milford, Ohio. I am the acting Union President for the Firefighters Union. Although, as the mayor said, he is upset, we are upset. We're not just upset about losing guys that we work with. We are upset about the safety of the citizens.

We're upset about the safety of our own. I understand that it has been said that nothing will be changed. I am not saying that is incorrect, but I am saying that is a stretch to claim that. When you drop in manpower and when we're going to go to a minimum of three people per shift, it is not safe for two of those three people to enter a burning structure when there's not two more outside. We are all going to do the absolute best we can with what we've got left. I am sure that every one of them will agree with me that is left that they would risk their lives for any one citizen, but if there is no one in that structure, I cannot see that we would put our lives at risk when there is nobody outside to back us up. There are a number of programs that will definitely change. We have a car seat program, where we have been giving out car seats to anybody who stops in and asks. The problem with that, you do have to be certified to install them and to show that citizen how to install. That will be cut. The car seats that we had have already been returned. The Ohio Buckles Buckeye program, Kate as you know, the safety inspector, was the county coordinator for that. That will have to be cut. The pilot program for Remembering When, which was an older adult fall and fire prevention program will have to be cut. The Juvenile Fire Setter Program, she is the only one trained to do that, will have to be cut. Also, she was doing Friday classes with free continuing education, which we are all required to have, that will have to be cut. There is currently zero dollars in the training budget for fire and EMS. If we cannot go to training, we cannot maintain our certification. There are a number of other areas, for instance, we give out through the Red Cross smoke detectors and CO detectors. Although that doesn't have to be cut, somebody is going to have to take over doing the paperwork for that, which is quite a lot. As you may not know, she did, on her own, a lot of battery replacement for the elderly in the community. When their smoke detectors started chirping they would call, she would say, "Don't worry. I'll be right out." She would take her little step ladder and her batteries that she got for free through the Red Cross and would install them. I am not saying that that has to be cut, but it is going to be something that we have to then either get in the squad or get in the fire truck and go do, be on one end of town, when we are needed somewhere else. The Knox box program, pre-plan books... I could go on and on and on about the things that she done for us in the community. I have, as far as the number of drop in runs that is being used as the reason for cuts, it is less than one run per day. Less than one run doesn't mean that you don't need people... to me. I wanted to make council aware and make sure everything was clear of where we are headed with this.

Kate Earley: 458 West Road, Martinsville, Ohio. My position has been abolished. It is not part of a lay-off; it has just been abolished. I have been offered to go back to shift, which I am very willing to do. One of my favorite parts of my job was teaching fire safety education classes, so I am going to give my last one tonight. It is going to be really, really short and really, really simple. I hope that when you leave here tonight, you'll take something with you. But, I am a numbers person, so I'm going to start with numbers. We're going to use statistics from 2007. In 2007, 2,865 people died from structure fires in their homes across the United States. In 2007, 13,600 people were reported injured because of home structure fires. There were 399,000 reported home structure fires. A lot of people got hurt, but more people would get hurt if there weren't fire departments. More people would get hurt if there weren't fire prevention officers and fire inspectors. Because these are just residential fires. This has nothing to do with commercial properties whatsoever. I know a few of you have actually experienced commercial fire inspections with me. It is sometimes time consuming and sometimes expensive, but they do make your building safer as well. I won't be doing those anymore, but we will still have people that are certified inspectors to do those jobs. A big number that a lot of people will remember is that property damage was estimated to be 7.4 billion dollars from home structure fires in 2007. Just to let you know, these numbers are all increasing, they are not decreasing. I am just using 2007 because these are the numbers that I have available. So, with all of those things in mind, I am going to ask you to all stand up if you will, please. Like I said, this is my last class. I am not going to ask you to do jumping jacks and I'm not going to ask you to run or anything like that, but in the time that it takes to have this city council meeting, which is approximately one hour, two people will die or be injured from a home residential fire. I don't mean to pick on you, but would you sit down? I don't mean to pick on you either, but would you sit down also? Look around the room. Look who's standing next to you. Look at who you know in this room. Because two people within in this hour are going to

die or be injured in a home structure fire. We don't want that to happen. Not in Wilmington. Because all of my guys that I am looking at right now, and gals, sorry. I know that we do the job that we are paid to do and we do it to the best of our ability. I am so proud of all of you, especially right now. You can all sit down. Just remember that two people will die or be injured. If you don't remember numbers, that's okay, because I have something else that I have been clearing my office up and taking everything off of my walls. On my wall I keep the current kids' pictures and posters. I don't need these any more. But these are some things I'd like you guys to look at. I'd like you to take them home and actually, and if you want, [Inaudible for Transcription]. I look at them every day and they're very important to me. It makes me realize why I do my job and why we all do our job...to keep our community safer. So, these layoffs, I'm sorry sir, will definitely impact public safety. I have a letter that a little girl wrote, and I'm going to give that one to you.

TRANSCRIPTION INTERRUPTED. END OF TAPE

Matt Brown: I'm sorry sir, I do have one other quick thing. Members of the union have put together a listing of hopefully some other cost saving areas that we would like to share with council. I don't have quite enough for everybody, but if you could share them around and take a look at that.

President Ertel: Thank you. Is there anybody else wishing 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 Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, May 6, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Mead, 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 Peterson to approve the minutes of the last regular meeting, April 15, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: That completed my portion because we are going to get right into WC Marketing here. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. It is my privilege to introduce Professor Steve Stovall from the Wilmington College Marketing Class. I am going to turn it over to you to introduce our folks.

Steve Stovall: We did a marketing research project this spring, and these two students were working on a project with Chris Schock. They were trying to look at what are some ways to attract small businesses to Wilmington. Along the way, while they were creating this project, they also created this really interesting video. It is above and beyond the grade requirements. They already had the “A,” but they were going for the “A+.” In any case, this is Kelsey Stief and Brian Tecklenburg, and they’ve got a few things to share with you.

Kelsey Stief: My name is Kelsey Stief. I am originally from Upper Sandusky, Ohio, which is about 2½ hours north of here. It is a small town, just like this one. I love going to school here. We did work with Chris Schock. We also worked with ECC, and both Mark and Taylor were great helps to us this semester in helping us. We kind of worked on redesigning Clinton County’s website, and these are some of the things we came up with. First of all, for our marketing research class, we had to come up with a big question. Our big question was, “How can the Wilmington Chamber of Commerce bring sexy back to Wilmington.” We focused on who was going to bring sexy back, what was going to bring sexy back, and how was it going to bring sexy back to Wilmington. The first part we focused on was “The Who.” Through research, through our survey, and our focus group we decided that what was going to bring sexy back was we needed to attract entrepreneurs and small businesses. One, because small businesses stimulate the economy. They will also create more stakeholders in the community so they will not only want to live here because they like Wilmington but also because they have a business here and they want to invest in it. We also talked about how the unique features of Wilmington are more attractive to small business owners, because Wilmington is a small town and it would help small businesses thrive rather than sending a small business into Dallas, TX. It is just such a large town that a small business could not survive there. The next thing we focused on was the “what.” Our main thing was to create a new brand image. That was our big umbrella, and we decided that the new brand image that would be best would be “Triumph Over Adversity.” Instead of focusing on Wilmington infrastructure – Wilmington’s the golden triangle; it is between Columbus, Dayton and Cincinnati. The Golden Triangle pretty much says “You can live in Wilmington because you’re an hour from the places you really want to live.” Just because Wilmington has a business here doesn’t mean it can do business in Cincinnati, Dayton and Columbus. It can thrive just as well here as anywhere. The next thing under the umbrella would be the intangible goods – like the roads of the umbrella would be the low cost of living, the available workforce, quality of life factors, support of local business. When we did our survey, we found out that about 76% of people would be willing to work for a local business, to support their local business and to be able to shop

more places rather than to just go to Wal-Mart for your one-stop shop. Only about 4%, I think, of our survey said they would rather shop at Wal-Mart than any local business. I am going to turn it over to Brian who can talk a little bit more.

Brian Tecklenburg: So, trying to put a little bit of this together, this is like our mockup for what the website could look like. Currently our website looks like a government website. It's a little over-structured and it is a little bit less form. It is a little overdone on function. When you first land on the economic development website, it has a picture of the magic golden triangle, which is like this map with these circles and no one really understands what it means. We, again, think that this is like a pitch of saying why you should live in places other than Wilmington. If the main attraction to Wilmington is that we are close to places that aren't Wilmington, then why wouldn't I choose to live in a place that isn't Wilmington. So, what we thought is that we could take that and try to communicate what a visit to Wilmington is like through the website. So, we think a visit to the website should feel like a visit to Wilmington. It should communicate life. It should communicate the best things about Wilmington, which, in our opinion, are mostly the intangible factors. It's the relationships you develop, it's the people that you see. It's all that interpersonal thing. Lastly, we thought, based on some of our research, and this is kind of a common idea in marketing, is that people will really tend to remember a story about overcoming something. A good example that we found in some of our research was Jared from Subway. Now, Subway had marketed itself as having low-fat subs for a long time. In fact, a couple of years before Jared came out, they had a campaign called "Seven Under Six," which was seven subs under six grams...yep, nobody remembers it. So, that is exactly the reaction that they had. Then Jared came out and there is this guy who was ready to die. His father, who was a cardiologist, said, "Lose weight or die." Right? And the guy goes to Subway and he starts losing all of this weight and here he comes, he has a 60-inch waist. And he comes in with these pants. And now the guy is as thin as every healthy American you could find. Right? The guy is thin and happy and he still eats at Subway all of the time. Right? Now, everybody knows Jared. So, what we tried to do was find our Jared. What is Wilmington's Jared? What we think is DHL has hit this town so hard...the DHL aftermath...that we need to turn that into an opportunity rather than a big negative. Like, "Come to Wilmington; it's not that bad," is not a very good message.

[Laughter]

Brian Tecklenburg: So, we thought the best way to communicate was that was through some form of video...something that communicates the life of Clinton County – the life of Wilmington. So, Kelsey is going to show you our video here. This is what we think could help communicate that to somebody who was thinking about starting a business here.

[Video Presentation]

[Applause]

Brian Tecklenburg: Does anybody have any questions for us? Anything we can answer?

Councilwoman Peterson: Yes. You said you did some market research.

Brian Tecklenburg: Yes.

Councilwoman Peterson: Could you go into a few details about that?

Brian Tecklenburg: We conducted a few interviews of some local business owners. We also did a focus group and we did a survey that we sent out. We did some outside research, just looking at academic resources and things like that. Both about like what generally is effective in website and more specifically like what other communities in this kind of situation have done. So, that is the majority of what we did.

Councilman Jaehnig: It's an incredible piece.

Councilman McKay: It's good. I want to live there.

Councilwoman Peterson: Oh, wait...

[Laughter]

Mayor Raizk: See, they made the A+.

Councilwoman Peterson: The young lady mentioned she was from Upper Sandusky. Where are you from?

Brian Tecklenburg: I am from Cincinnati. That is where I was born.

Mayor Raizk: Are you related to Don Tecklenburg?

Brian Tecklenburg: Yes...that's my old man...my dad.

[Laughter]

Councilman McKay: Well, I have kind of an interesting twist on this, too, because I worked in Upper for a short time and moved back to Wilmington.

Kelsey Stief: Where in Upper did you work?

Councilman McKay: [Inaudible for Transcription]

Kelsey Stief: My dad works at Trent Machine Company?

Unknown Speaker: Are you related to Doris Day?

Kelsey Stief: No, but I have seen her.

[Laughter]

Mayor Raizk: Brian and Kelsey, that was outstanding.

[Applause and general comments of approval]

President Ertel: I am sure that people will be getting with you about that. I think that is wonderful. I can probably use that for whatever purpose. I think the website front is just wonderful.

Mayor Raizk: Yeah.

President Ertel: Just wonderful. And you're right....our website does look like a government website.

Mayor Raizk: I think the one that they were working on there was....

President Ertel: The one that is shown there?

Mayor Raizk: Yes. They were working on the county's website.

President Ertel: Okay. Moving right along...

Mayor Raizk: I'm not done.

[Laughter]

President Ertel: There's only one point on the agenda....

Mayor Raizk: I know, but I do have another thing. I guess I can wait until we get to the legislation a little later. There are some things on the finance committee that are related to another item later on, and I wanted to fill you in on it. We'll fill it in later.

President Ertel: Very good. Thank you. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor, glad to have you back.

Auditor – Auditor David Hollingsworth: Thank you. I have nothing, Mr. President.

President Ertel: Thank you. Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: The first item tonight, we have an ordinance making miscellaneous transfers. Are there any questions?

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

Motion passed

In the absence of the Director of Law, Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4911 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations.

Councilwoman Peterson: I have a question on "B."

Mayor Raizk: That is our recycling grant that we were going to talk about later.

Councilwoman Peterson: Okay.

Mayor Raizk: You all didn't want me to talk earlier.

[Laughter]

Mayor Raizk: I was going to explain it. What you need to know about this is we are appropriating this money like all ODNR grants. We appropriate the money and then we get money back after it is spent. All of that money...that \$97,066 will be coming to the City of Wilmington through the Ohio Department of Natural Resources Grant for recycling.

Councilwoman Peterson: Thank you.

Councilwoman Mongold: Any other questions?

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

Motion passed

Lynn Turner read ordinance by title only.

A motion was made by Mongold and seconded by Mead 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4912 passed as read.

Councilwoman Mongold: The third item tonight is a resolution authorizing payment of expenses incurred in prior fiscal year. The then and now.

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

Motion passed

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2196 passed as read.

Councilwoman Mongold: That is all, thank you.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: You will find in your packet of a couple of graphs that were put together by our staff to show how our income is going down. This gives you an idea of where we are. Beyond that, I really have nothing.

President Ertel: Thank you, Mike. Streets Committee?

Streets Committee – Chairperson Peterson: We have one item. It is a resolution authorizing to have 73 within the city limit dedicated to a veteran, Sgt. Steven Conover. Are there any questions regarding that?

Councilman Wallace: You might say that we have had a lot of comments on both sides of this. I have had several people call me and it has kind of gone all around. We did get an answer from the veterans people here in town and that ended up kind of [Inaudible for Transcription].

Councilwoman Peterson: Thank you. In fact, that was the deciding factor...when we had the Veteran's Commission resolution of support. Frankly, I am not a veteran. I really trust their opinion regarding that. I would encourage other members of council as you vote on this [Inaudible for Transcription].

A motion was made by Peterson and seconded by Wells to give the first reading only on the resolution Authorizing a Memorial Dedication of a Section of the Relocation of S.R. 73 in the City of Wilmington to a Veteran, To Wit: Sgt. Steven Conover.

Motion passed

Lynn Turner read resolution by title only.

Peterson requested that the second and third readings be on the Agenda for the next meeting.

Councilwoman Peterson: That is all I have. Thank you.

President Ertel: Thanks, Cindy. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. Mayor....

President Ertel: Now's the time.

Mayor Raizk: I've got my speech ready. As many of you may know, we have just... Let's go back a little bit. When we instituted curbside recycling, we felt like we had a threshold that we wanted to get to before we really looked at the next phase of it, to see if it would be successful. Basically, it has been successful, at least as far as that threshold has gone. We had a 10% household recycling threshold, and we are now up to 12.6. That 12-14% range has been pretty steady for the last quarter. The last quarter of '09 was around 13%. The first quarter of '10, it has been 12.6%. We have reached that plateau. We talked before about methods to do this a little easier to make it better. A year ago, we applied for a grant with the Solid Waste Management District. We were not successful, or at least we were told that we were not successful in receiving that grant. This year, the City of Wilmington, through one of its employees at the Waste Department filed the grant on his own and put it all together. We are successful. We have been awarded the grant. The total package is about \$145,000. Of course, there is a match. We will be getting actual funds from the state in the amount of \$97,000. What the grant will be used for is to buy a recycling truck, a used 16-20 cu. yard recycling truck. This would also fund getting away from the bag program. I think one of the things that we heard whenever we had a recycling meeting was bins. This will also fund these bins. We included 4200 bins at \$18 in the grant application. We do have an update, which is that we found a supplier for 4000 containers at \$6.25. So, hopefully, for this kind of container, we have already saved some money before we ever spent it. This is a real positive thing. We have reached this plateau. This is really the next phase of our curbside program. What we are spending here will really take us into the next phase. So, hopefully, we will get the numbers moving north of these numbers. I think that is the key – now that we have a good solid base to work from. Many places have tried curbside recycling and they have discontinued the programs. They have not been successful. But, I think we have made tremendous strides, and I think if we go with the next part of the program, we will increase these numbers even more. It comes at a good time because we're not in a pinch. We are at a time when we are getting a vertical expansion...where we actually have room but we're putting in less so that makes it last even longer. So, it is not just an investment now; it is an investment in the next 12-14 years' worth of landfill space that we're creating. I am very excited about this. I am very proud of the employees who have put this together and everybody worked on that. It wasn't an outside firm or anybody else, they just put it together, and we're very excited about it. Don, I'll turn it over to you.

Councilman Wells: David, I would like to say, this is the power of our green penny finally paying off. The one cent that we set aside for recycling in our utility bill...to show our dedication to recycling and to protect our environment and to save our landfill and help the city. I think it is a great, great thing.

Councilman McKay: Could I ask a couple of things. First of all, I am not sure who the Tuesday pickup route is or where that is, but they should be congratulated.

Councilman Jaehnig: That's Denver edition.

[Inaudible Banter]

Councilman McKay: Secondly, what is the truck like that we are getting?

Mayor Raizk: Larry, can you describe it?

Service Director Reinsmith: When they put the grant application together, they had found a truck for like \$70,000. Of course, it is gone now, but the guy we talked to said he could get more trucks. He said, "Tell me how much you want to spend and I can get you a truck." But, it has dual controls on it, left and right, and it is really going to be a

one-man operation. He pulls up, he can get out on this side, drive on that side, gets out and gets a container. Like I said, they were wanting \$18 a piece for these and we found another company that, if we order 4000, we can get them for \$6.25. Everybody in town can have a container and there will be a number on it and that number will be issued to your address, so if it blows away and we find 2011 down the street, we will know it belongs to Nick Babb. That is kind of what we're looking at. The nice thing about this truck, unless it really builds up, we can pick up the whole week's recyclables in the one load. Donnie has found three different locations within 40 miles of Wilmington that we can take these recyclables and go dump it. So, we don't have to have a separate bin and then reload and then load. We can keep it in the truck, pick up every day, and then go dump it once a week.

Paul Hunter: What do you mean dump?

Service Director Reinsmith: We dump it in the MRF. Is that the right answer?

Councilwoman Peterson: Perhaps the reason they were so successful at the landfill in writing the grant application is they are intimately involved with the process, so they know how much more efficient this is going to be than our current system. It could have come across in the application.

Councilman McKay: Did you say it was one employee who stepped up or...?

Mayor Raizk: Yes. One employee.

Councilman McKay: I think they should be congratulated and recognized.

Mayor Raizk: We will do so. We are going to get the money first.

Paul Hunter: What did Mr. Walls have to say about it? Did they support it? Ha-ha. Thank you.

Mayor Raizk: He can't put that in the paper, Paul.

Unidentified Male Speaker: When do you think it will be implemented, this stage II? Do you have a target date?

Mayor Raizk: We're out actively looking for the truck. As soon as we get the stuff, we'll be able to go.

Service Director Reinsmith: Donnie has to attend a seminar with ODNR. Contracts can't be signed until July 1 on this deal, so it will be after July 1.

Paul Hunter: And we can wave bye-bye to Waste Management. We can still keep their...

Service Director Reinsmith: They're dumping in our landfill.

Paul Hunter: Now.

Service Director Reinsmith: I mean it is our trash, but they are dumping it.

Councilman Wells: Okay, is there any more discussion?

Councilwoman Peterson: No. This is great.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on the resolution Authorizing the Filing of a Grant Application Through the Ohio Department of Natural Resources (ODNR) – Division of Recycling & Litter Prevention and Acceptance of Grant Funds Therefrom and Declaring an Emergency.

Motion passed

Lynn Turner read resolution 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 resolution by title only.

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

Lynn Turner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2197 passed as read.

Councilman Wells: Thank you. That is all we have tonight.

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: Chairperson Rob Jaehnig: Thank you, Mr. President. We have one item. I'm sorry, but I'll need to take a moment to explain. We had a Judiciary meeting this afternoon in which this particular topic was reviewed. In reviewing it this afternoon, we determined that there needed to be some amendments made to this particular resolution. After the meeting, we determined that there were some additional errors that our amendments weren't going to address that need to be addressed. So, this first reading will be on the original, un-amended resolution. We are going to have to have a judiciary meeting before we can come back and have the second and third reading because there is a map that is included in this particular report that is incorrect and needs to be removed and replaced. There is also some additional verbiage in regards to project priority one that was omitted from the project that needs to be included. So, instead of amending it with what we agreed upon this afternoon and then amending it again, I would prefer to just do the original reading and then go back and fix this properly for the second and third reading. I apologize for having to revisit this again, but unfortunately, we did not have all of the information needed when we had our meeting this afternoon. Are there any questions in regard to this?

Councilman Wallace: If we pass this, I think we need to take a look at it and create a plan. But, if we are going to pass this, how restricted are we? I mean, there is like \$300,000 in signage. That's not counting the rest of the stuff that this...

Councilman Jaehnig: All we are passing is the plan. No grants have been filed for or anything of that nature. That is a completely another step that needs to be done. But, we can't file for grants at all if we don't file the plan. So, until the plan is filed, no grants can be filed for whatsoever. Once the plan has been filed, then we can take steps toward applying for particular grants on particular projects. As each project comes up for a grant, it can be reviewed at that particular point on its viability and/or cost and effect on the community and whether we want to proceed with it at that particular point. The issue with these particular funds, is these funds state-wide are not being used to the fullest each year. There are funds that are left on the table each year by the Safe Routes to School Program. So, most communities don't go through the work that had already been put through by Regional Planning Commission, the City School System, and the team that they put together to help build this report. So, whether we decide to go forward and actually apply for the grants, obviously, is something else. It still needs to be seriously looked at as to what cost and return on that for the grant filing. But, we can't do anything at all without filing the plan.

Councilman Wallace: One of the problems that I have is in the budget that we are currently in, and the situation that we are in, almost every grant that crosses our desk is a matching grant of some form, and we can't afford to continue to be matching grants.

Clerk Laura Curliss: This one is a zero match.

Councilman Wallace: It is not free money.

Clerk Laura Curliss: This is a zero match. This is one of the few zero-match grants.

Councilman Wallace: I keep hearing it all of the time, but somehow we end up having to pay \$50,000 for this or something like that. I am just talking in general terms. We have to kind of watch. That's the thing that kind of bothers me a little bit.

Councilman Jaehnig: Right, and I agree. In fact, on the next topic under safety, one of the things, there are grants that have matching funds, but they are on projects that we were going to have to do anyways. So, we have the option of going after the grant with the matching funds or just paying for it 100% ourselves. So, yes, I agree that we need to look at these and be careful how we move forward, but I don't know that it is always so cut and dried. I agree that each one needs to be closely reviewed.

Councilwoman Peterson: And, Mike, on this one, we are not committing any money.

Councilman Wallace: Not today when we pass it. Today we are going to pass it and we are going to go back and say, you've got to do this...

Councilman Jaehnig: And we haven't applied for anything either.

Clerk Laura Curliss: And the School Board already approved it.

Councilman Wallace: I'm just voicing my concern. I think the plan is a good plan. Don't misguide what I'm trying to say. I don't have any problem with the plan.

Mayor Raizk: The plan, though, doesn't commit us to anything. You don't even to have to apply for the grant.

Councilman Wallace: Right. I agree with the plan.

Mayor Raizk: But, you have to have that in place if you ever do want to do something.

Councilman McKay: I believe this is somewhat time sensitive.

Councilman Jaehnig: Yes. Time sensitive. We need to get this plan put together so it can be filed by the end of May.

Councilwoman Peterson: Mike, I agree. Anything coming out of the general fund we need to scrutinize.

Geoffrey Phillips: Could you be more specific. Are there routes missing in the plan? We haven't reviewed the document or...?

Councilman Jaehnig: No, they put the wrong map. Figure 13 in the map is the incorrect map and it needs to be replaced before we're willing to move forward with it. It was not caught in previous reviews. The secondary item was a long-term low-priority time that was inadvertently left off of the project...the Denver project area.

Geoffrey Phillips: What is that?

Councilman Jaehnig: It references the concerns that Mary Kay brought up in our meeting earlier this afternoon and that is the Fisher floodplain and dealing with that in a way to protect the citizens and their rights but, at the same token, not to exclude when a developer comes in...like when it was being looked at to be developed by Bill Marine...that a trail could be continued through that particular development. Since this particular program or plan would be attached to the master plan once it is completed, we wanted to make sure that it was proper. Since the largest effect on the Safe Routes to School, besides the schools, is the city, I felt that at that particular point we need to make sure that we go back and get these amendments corrected so that, you know, citizens like Mary Kay are not going to wake up tomorrow and say, "Oh, Geez, how did this get

through and I now have a trail directly behind my house.” But, 15 years from now when a developer comes in and is going to develop that, we have something in place that shows “Yes, you are going to be required to work with this trail under these guideline.” And yet, every citizen still has the right to voice their opinion and nobody gets trapped.

Geoffrey Philips: I appreciate these efforts. I attended the kickoff of this study nearly a year ago, and the residents on Florence Ave. have repeatedly asked for that not to be at their back yard. And I show up at that meeting and here’s another map and it’s online. So, I appreciate that you are taking those efforts and I applaud my neighbors FOR bringing this same message. There are a lot of folks along there that have been very clear that it is not what we want. But, to incorporate in a development plan makes a lot of sense.

Councilman Jaehnig: In our meeting this afternoon, the map that we were reviewing at noon today was very confusing because it showed the existence of a trail that isn’t there. The question was, “Is it a trail? Is it a map? What is it?” Then, in further investigation, it was determined that the wrong map is in there. We want to make sure that we get the appropriate map and then people have time to review it and go over it in the next Judiciary Committee meeting before moving forward with the second and third reading. Yet, still hopefully meet the timelines to get this filed properly this year.

Mayor Raizk: I have another change, which I don’t know if you talked about, but Rodger, this Borrer is spelled wrong. It is B-O-R-R-O-R. It know I and many of us here could not live with ourselves if that was put into black and white.

[Banter regarding the spelling]

Councilman Wallace: Does the School Board have to coincide with all of this, or is it a totally separate entity from the school board?

Councilman Jaehnig: This is work in conjunction with regional planning, the Wilmington City Schools...which Regional Planning has already approved the plan and Wilmington City Schools have approved the plan. Now, the effects on the city are greatest, so I have a feeling that there were certain things that were reviewed by the city that may have not been looked at by both of those entities because of the effect on them.

Mayor Raizk: But Planning Commission has also reviewed the plan.

Councilman Jaehnig: Yes. That’s right. I’m sorry. Thank you. It would be unusual circumstances that it was identified, but yet it is still fixable to move forward to meet the intent.

Councilman Wells: It speaks about trails connecting neighborhoods so the kids can get to the elementary schools, and it also talks about sidewalks in areas where there are no sidewalks now. My concern is the trail for little kids to get to the elementary school. I do not consider a safe route to school where they are walking out of public view. I wouldn’t want my granddaughter walking in an area back and forth to school. The sidewalks on Truesdell, I can agree with that where kids are walking in public view of traffic, but off the sidewalks on these trails, I have a concern about safety, especially little girls. Maybe high school kids would be okay, but little-bitty kids, I worry about that. I like trails and I’m all in favor of trails, but I don’t think a trail is a safe route to school. I just wanted to say that.

Councilwoman Peterson: You know what, I didn’t attend any of the public meetings, so I don’t know if that commented on. I can’t comment on that.

Councilman Wells: The first time I was at a meeting and we talked about this, they talked about sidewalks. I didn’t see anything about a trail connecting the neighborhoods for kids to walk on.

Councilman Jaehnig: Well, there are certain places that a trail would make sense and there are certain places that a trail would not make sense. You know, and it also depends

on the age of the child. An elementary student, obviously there are certain things that you would not allow them to do, where you might allow a high schooler on a bike to do something completely different. That was taken into consideration when reviewing this. Obviously, each individual project would still come back before a grant can even be filed for. It can be reviewed for its intent at that particular point and for effect in return for the city. Any other discussions?

President Ertel: Just one other comment. We have an issue certainly at Sugar Grove Cemetery, where kids are crossing the cemetery coming to and from school and I would hope that that would be addressed, because there are probably 40-50 kids that cross the cemetery every day going to and from school. If we could build a bridge or a tunnel, that would be great, because they also do damage to the stones and so on and so forth like that. What happens is they come down through the hospital, across the bridge, onto the path there, and the shortest distance and then they go right across the cemetery. This is some large numbers that go through there. I am not sure if that is addressed in this plan.

Clerk Laura Curliss: Nobody in the public meetings brought that issue up. That's a safety engineer who did that study, Don, so all of those routes were evaluated by a safety engineer. So, if it is in there that a trail is the safest way, then it has been evaluated.

Councilman Wells: I understand that trails are safe, but I still have a concern that little kids on a trail out of public view....that is what I am worried about.

Clerk Laura Curliss: So, there might be like a crossing guard on it, a trail guard.

Councilman McKay: [Inaudible for Transcription] you would send your grandchildren under the age of 10 on a trail outside. I think the parents and grandparents would be expected to use some amount of oversight.

Councilman Jaehnig: One of the other things that is mentioned as an option in the Safe Routes to School is something that they call walking school buses, where they have volunteer parents and so forth that set up and they start at one house picking up children along the way and end up delivering all of the children together [Inaudible for Transcription].

Mayor Raizk: Not all trails...sometimes semantics gets you into conjuring something. We all know that our oldest trail is one that is cloistered with the trees and everything. Not all trails are out of public view. For instance, even the one that they were talking about here, if that development went through, where the trail would be through the houses and everything. That trail obviously would not be out of public view, you know. It is a comprehensive plan, and it is that—it is a plan, but without the plan on file, it is a classic thing. It is a little bit like the CEDS plan that we had to do for the Tri-County area to apply for EDA funds. You have to have the plan in place before...and they say, "Well, wait a minute, is that in your plan?" Even if you change it, then you have to go back and amend your plan. If you say, "Hey, wait a minute, we didn't think about that" or "Kids are crossing through the cemetery, we need to do that." It is something for down the road to be able to adjust and say we need to make that change. But, if you don't have the foundation, then you can't talk to the Ohio Department of Transportation about this stuff.

Councilman Wells: Well, if we're going to say "Safe Routes to School," we need to make sure we keep it safe.

Mayor Raizk: Oh, absolutely. And they will – don't worry. There will be a lot of acid tests that you will have to meet if there are going to give you the money.

Unidentified Speaker: Just a minute, I have a question. I have a concern on the Fisher Floodplain. I thought that was resolved a year ago. Now, how did it slip back in? Are you trying to pull a fast one here?

Mayor Raizk: No, it has never changed. It was the wrong map.

Unidentified Speaker: How did the wrong map get into the thing?

Mayor Raizk: The engineering firm put it into it.

Unidentified Speaker: Well, somebody said, now is the chance to slip it in and we'll get it through.

Geoffrey Phillips: It's a great question.

Councilman Jaehnig: Thankfully, actually, due to Mary Kay's...

END OF TAPE – TRANSCRIPTION INTERRUPTED

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the ordinance Approving the Final Safe Routes to School Engineering Study for that Part of the Wilmington City Schools District Within the City of Wilmington.

Motion passed

Lynn Turner read ordinance by title only.

Jaehnig requested that the second and third readings be on the Agenda for the next meeting.

Councilman Jaehnig: We will be notifying everyone as soon as possible as soon as we have a time and date. That's it for Judiciary.

President Ertel: Thank you. How about Safety now?

Safety Committee- Chairperson Rob Jaehnig: Back at it. We have one item on Safety. Obviously, the police department is required to provide bulletproof vests for their employees. This is something that we do on a regular basis and we are able to file for grants to help reimburse us for a portion of the costs of the bulletproof vests. It is a 50% return on our expenditures. We had the bulletproof vests in the budget at the beginning of the year, and this will actually help us to reserve between maybe \$3000 and \$4000 in costs that will allow us to either accomplish something that we may have not been able to accomplish or return that money to the police fund.

Councilman Wallace: I'm sorry. You said this was actually in the budget already for this year?

Councilman Jaehnig: Yes. This will actually reduce our overall budget costs.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the resolution Authorizing the Filing of an Application through the U.S. Department of Justice Bulletproof Vest Partnership/Body Armor Safety Initiative Program and Declaring an Emergency.

Motion passed

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2198 passed as read.

Councilman Wallace: Can I ask a question?

Councilman Jaehnig: Yes.

Councilman Wallace: What are these vests made of that they have to be replaced every 6 years?

Mayor Raizk: Assistant Chief?

Assistant Chief Weyand: The manufacturers put an expiration date on them when they are sold. Things that wear on them... perspiration, wear and tear on them. The fact that over the course of the years, bullets that are manufactured are greater than what the vests that were purchased seven years ago can stop. So, you just kind of keep up with the technology, but also the wear and tear on the vest itself requires it to be replaced every so often as it is.

Councilman Wallace: I'm assuming that they are not protected from every bullet that is made. Is that the average bullet or an above-average bullet or whatever?

Assistant Chief Weyand: What we do is we buy a level three vest that will stop pretty much anything other than a long rifle. So, anything from a .44 down it will stop. That is typically what we buy. The reason for that is that if you buy anything that will protect against rifles and stuff like that, the officers couldn't move in them. They are just so restrictive. So we are looking at versatility.

Councilman Wallace: Do you have certain vests that you can throw on in certain situations like that? Can two vests be more protective than one vest?

[Inaudible banter regarding vests]

Assistant Chief Weyand: What we do have is there are certain levels of vests. So, all of the road officers will wear a concealment type vest. Those who are on our tactical unit, they have entry vests. Those vests are about 35 pounds. They come with shoulder protection. They have more protection on the sides. They come with groin protection. They are a higher threat level. They can stop like up to .308's and stuff like that, which is a higher caliber rifle.

Councilman Wallace: Those we don't have to replace as often, right?

Assistant Chief Weyand: They are still the same way. Last year, we replaced them under the previous initiative, and we got \$3000, which should be coming back within the next 90 days. Everything is just a matter of replacing to keep up with the technology.

Councilman Wallace: It's kind of like football helmets. They have to be replaced every [Inaudible for Transcription].

President Ertel: Good. Are there any other questions?

Councilman Jaehnig: That is all for us. Thank you.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Since our last meeting, our downtown revitalization has gotten into full swing. I think we are getting very good communication from the city to the retailers in the downtown. I think the contractors and maybe Larry might be discussing this more later, but I think everybody is trying to work together as quickly and as effectively as we can to get the job done.

Mayor Raizk: But, I want to encourage people, just because it looks like a mess doesn't mean you have to stop coming downtown. There is still parking on one side of the street. The lots are still available. We're not doing things there, so please don't say... I guess it's a call out to say, "Keep on coming downtown." It is important. If we could go to bed one night, wave a magic wand, and it would all be perfect the next morning, but we know it doesn't work that way. However, as you have seen today, and Larry probably will talk to this, we started the curbing in this area first so the higher traffic area would be done. Originally, we were going from the back this way, and they said "No, we'll

concentrate here first.” They laid a lot of curb today. I think it will come along nicely. As they say, “Keep our eyes on the prize.” It is going to look fabulous when it all gets done and we are all going to be very happy and proud of our city. But, we have to get through a lot of orange barrels to get there, and we’ll do that. Everybody needs to remember just please keep on coming back downtown. There will be places to park. There are ways to get in and out. We are all resourceful enough to be able to get to our favorite spots, I think.

Paul Hunter: And if people are making money, they will be spending it in those stores as a result of this.

Mayor Raizk: Absolutely. I think it is going to look great, but we have to go through that little bit of pain before we get to the promised land here.

Councilman McKay: That is all I have.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: Everybody covered it. I’ll just add a couple more little tidbits in that. As you can see, they had to tear out quite a bit of curb just to keep up with the concrete people, because once they get started, they can move pretty quick. They’ll finish out Main Street tomorrow. As you know, they’ve made the turn and they’re coming back up Locust on the south side already doing that. They will go all the way up on Wayne Road and then come back and do the south side of Main Street. We’ve got a lot of curb poured already. The next phase will be to go ahead and start...they’ll pour the handicap ramps and all of the corners. At the same time they are doing that, we’re making repairs on downspouts and drains because a lot of these building have downspouts that terminated underneath the sidewalk and didn’t go anywhere. That is why their sidewalks were always falling apart. So, we’re installing some curb drains and tying them into it and running them down to the catch basins into the storm sewers. That will eliminate a lot of that problem. Then, they will come back and tie everything together and pour the walk. So, it has moved pretty quick. We’ve got a few problems to work out. We’re meeting with ODOT tomorrow morning to try to get some of these things resolved. That is pretty much on that project. Now, the good news is, we’re going to start the 68 project on May 19.

[Laughter]

Service Director Reinsmith: So, you won’t be able to get home. That will be the same type of format – tearing out the curb.

President Ertel: So, we don’t discriminate. We have it going east-west or north-south.

Service Director Reinsmith: And these guys are really good at tearing out. They’ve torn everything out. They’ve torn out electric, they’ve torn out sewer lines, they’ve torn out gas lines.

Mayor Raizk: Well, Larry, you might share. One of the things is there are a lot of gas lines that aren’t very deep.

Service Director Reinsmith: We have a problem with that. We’re going to work tomorrow with that with ODOT. A lot of Vectren’s lines were just way too shallow. We couldn’t dig across there because they were breaking them out on West Main. So, what they are going to have to do now is basically take that curb machine and come up to the point where that gas service goes into a building and stop, pick up, go on over, and then continue on. Then, the concrete people will have to come back and hand-do those so they don’t tear up the gas lines. Because Vectren is not going to do anything about it. So, the concrete people are fighting on a change order with ODOT, so we’ll work through it.

Councilman Wells: Larry, I spoke with you earlier about the glass beads there in the sidewalk in front of the Books 'N' More, and the Masonic Lodge, and the Murphy Theatre area and trying to get that resolved. I hope we can come up with something or somebody to help fix that. I think now would be the perfect time to get that...

Service Director Reinsmith: It would be except that is totally out of the scope of that project. These are structural problems with those buildings because of the basements. ODOT themselves don't want to get into doing structural work – working on buildings where these owners are going to come back and say, "Hey, you guys fixed it and now it leaks." That's not in the scope of the project and they are really stringent on the scope of this project. They don't want to approve any change orders. They don't want to deviate from anything that is off plan. I think the President said, "Here it is." It's like they want a group from the FBI down here overseeing the project because they're afraid of fraud, abuse and waste. This stimulus money is a separate little monster.

Councilman Wells: I was just hoping maybe you could help get us connected to the right people to try to resolve that.

Service Director Reinsmith: I told you, we're working with the Murphy and trying to do something with some other people.

Mayor Raizk: When we originally talked about this project, before we knew we would get stimulus money, we asked about that with ODOT in terms of when it was back in the matching type of scenario. We could never get that included in the scope of the project.

Service Director Reinsmith: And the Murphy itself is 90 feet across. It is 10 feet wide. It takes a lot of structural steel to make that run.

Mayor Raizk: And the Masonic Temple as well.

Councilman Wells: Right.

Service Director Reinsmith: They fixed part of that about 18 years ago, I think. I remember when they did it.

Councilman Wells: The youth center used to be underneath there, didn't it?

Mayor Raizk: That's right.

Councilman Wells: Well, if we could just get hooked up with the right people, maybe now would be a good time to get some of the work done.

Service Director Reinsmith: And talking with Melvin Asphalt, I think they're going to start putting curb in on Nelson Road next week too. So, we just about have it all torn up.

Councilman Wallace: What's wrong with Prairie? Don't we want...

Service Director Reinsmith: We can't start that until July 1.

Mayor Raizk: Mike, what we want to do is get everything built to a fever pitch and then start Prairie as well.

[Laughter]

Mayor Raizk: That way, by July 1, every nerve in town will be raw.

[Banter regarding the construction]

President Ertel: Okay. Mr. Safety Director?

Safety Director – Safety Director Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by McKay to approve the Income Tax Report – April 2010, 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: It is a good night. Six years ago with Sandy we started this curbside effort, which moved on to the other lady. Through all of those struggles and heated arguments and surveys at the college and all of that, it is culminating in this grant thing. I think that is super. Another thing, after six long months of gnashing of teeth, the doghouse car is gone, as you know or don't know. The rat infested area surrounding it is gone. I'm glad I stopped by there tonight before I came, because I was coming loaded for bear, but I said, "I better check that before I come."

[Laughter]

Councilwoman Peterson: At least your honest...

Mayor Raizk: Paul, that's okay. I've got another one on Clark Street that I've got.

Paul Hunter: You have to talk to her boss about that.

Mayor Raizk: No, I've got another one that is next door to one, so that's a new one.

President Ertel: Mr. Wells?

Councilman Wells: I would like to thank Pastor Tom Garlock and Faith Baptist Church for the National Day of Prayer breakfast this morning. I think several of us really enjoyed that and listening to Alan Willoughby of Sugartree Ministries. It was very good. I'd like to say thank you.

Clerk Laura Curliss: I just want to remind you...council has seen this...this is the DWCIC's next downtown community improvement project, the Community Market Garden Mural.

Councilwoman Peterson: So, it is going to be over the Coca-Cola sign?

Clerk Laura Curliss: No, this is 55 East Locust.

Councilwoman Peterson: I know the city like the back of my hand.

[Banter regarding location of Community Market Mural]

Clerk Laura Curliss: This is due to start in May. We already have a \$10,000 donation for it from the anonymous donor, and we will raise the rest of the money from a right-to-possess auction for the figures. DWCIC is going to license it for 15 years. The right-to-possess auction will involve nine of the human figures. There is a dog, there is a cat, and there are two butterflies. The butterflies, you may think, "Well, who cares about the butterflies?" but a lot of people love butterflies in this community. But, also, what you are bidding on is the right to put a name in the butterfly. In the lines of the butterfly you can kind of hide a name, so somebody's name will be in that. So, those will be what are auctioned. The auction will be May 25 at 6 pm at the General Denver. Billy Arehart is going to do it. Jason Morgan will be there. There will be 80 seats, and they are \$15, and that's appetizers and a cash bar. Similar rules to the last auction if you were there and familiar. They are on our website already. Under City News you can click and get all of the auction rules and everything.

Paul Hunter: Are they charging \$5 for the auction license?

Councilman Jaehnig: No, we're going to cancel that before the auction.

[Laughter]

Clerk Laura Curliss: Anything you want to say, Sandy? Sandy is on that committee too.

Councilwoman Mongold: No, I would just encourage you to get the word out. It is a great project.

Mayor Raizk: I'll tell you, the way this community loves auctions, it really works. The auction of the art that was donated brought literally \$5000, which far exceeded what the donor thought that it would bring. I'm looking forward to that. Laura, does this also go to the same fund that original – the community art fund?

Clerk Laura Curliss: Yes. We'll make enough to pay for it, and then there is still a corpus in the fund for ongoing maintenance. We'll have that. We fixed all of the vandalism that had happened in the last year or so. We're going to repaint and re-touch up this mural on Main Street. So, we will, over the years, need that money to do that for both of the murals. 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 Peterson and seconded by Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, May 20, 2010, with President Fred Ertel presiding.

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

Councilman Wells requested that the following changes be made in the minutes from the May 6 meeting: On page 6, the word “dream penny” be changed to “green penny;” and on the last page of the minutes, “auction lessons” be changed to “auction license.”

Councilman Wallace requested that “Play golf” be changed to “Play ball” in the Parks and Recreation Committee report of the minutes.

A motion was made by Wells and seconded by McKay to amend the minutes as noted. Motion passed.

Minutes amended as noted.

A motion was made by McKay and seconded by Wells to approve the minutes of the last regular meeting, May 6, 2010, as amended.

Motion passed.

Minutes approved as amended.

President of Council – Fred Ertel: At this point, I would like to turn this over to the Mayor.

Mayor – Mayor Raizk: I got a call last night from our Director of Transportation, Mr. Phil Floyd, as he was coming back from Columbus. I will pass these out. He was attending the Ohio Public Transit Association’s State Conference. The Wilmington Transit System, WTS, was awarded the Ohio Public Transit Association’s honor as Transit System of the Year. Phil has a nice award that we were presented.

[Applause]

Mayor Raizk: They even put our motto on the award.

Phil Floyd (Reading from award): OPTA (Ohio Public Transit Association), Outstanding Achievement, Transit System of the Year, Wilmington Transit System, “We will transport you.” 2010.

Mayor Raizk: I passed this out so you could all see that we don’t compete as a small rural transit system; we compete with everybody. So, that means, Columbus Metro, Cincinnati Metro, the Cleveland RTA, the COTA, and all of the major transport systems are all in the same boat, and we got picked as Transit System of the Year. I think that is an outstanding achievement and certainly is well-deserved. Phil, thank you for all of your hard work. Please convey that from me and from all of the council to all of your staff. I think that says a lot about our transit system. I think it is one of the best things that we do for our citizens and the community. Congratulations and thank you. That is all I have.

President Ertel: Okay. Moving into committee reports, Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: No report, Mr. President. Congratulations on that honor, and would you also please convey that to your employees?

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: Just one quick item. Whenever we have our next Finance Committee meeting, between now and the next council meeting, I will have the spreadsheets. I have the spreadsheets, but I need to review them. I need to tweak them a little bit to show where we are at for the first four months.

Councilwoman Mongold: We will schedule that meeting. Thank you.

President Ertel: Very good. Thank you. Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: The first item tonight is an ordinance making miscellaneous transfers. Are there any questions regarding these two 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; Peterson, yes; Wallace, yes; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4913 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations. Do you have any questions?

Councilman Jaehnig: Sandy, Item J, the Capital Equipment out of the Taxi Fund, I noticed a correlation between that and the miscellaneous transfers.

Councilwoman Mongold: That is correct. We have a grant coming in to purchase a vehicle. The city's portion is \$3500, which we did appropriate, but we need to appropriate the entire amount and then we get reimbursed with the grant, so we are just making the books read right.

Councilwoman Peterson: I also have a question. I noticed at this meeting we don't have transfers for tax refunds. Are we finished with that?

Geoffrey Phillips: Probably not.

Councilwoman Peterson: Thank you.

Councilwoman Mongold: Are there any other questions?

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4914 passed as read.

President Ertel: Is there anything else?

Councilwoman Mongold: No, but we will advise you when we have that next meeting scheduled.

President Ertel: Very good. 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. This is the second and third reading authorizing the memorial dedication for a section of road in town to Sgt. Steven Conover.

A motion was made by Peterson and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution Authorizing a Memorial Dedication of a Section of the Relocation of S.R. 73 in the City of Wilmington to a Veteran, To Wit, Sgt. Steven Conover, by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2199 passed as read.

Councilwoman Peterson: We have a member of Sgt. Conover's family here tonight, and I was going to ask Detective Riley to introduce them.

Detective Josh Riley: I believe you are all familiar with what we are doing here, but I would like to introduce Mike Earley. Mike is the stepfather of Steven Conover. Steven's mother, Lorraine, was not able to be here. She is having some health issues. Mike, we wish her the best and hope for her quick recovery here. So, it is an honor to introduce Mike Earley. This is Steven's stepfather.

[Applause]

Mike Earley: Thank you. It is a good testimony to Steven. We have had a lot of them here in Wilmington, and we sure do appreciate it. Myself and my family, we want to thank everybody who supported this. We understand there were a few who didn't. The people who didn't support it, God bless them. It is important to keep his memory alive, because he died for this.

Councilwoman Peterson: I'm glad we could do this.

[Applause and general comments of thanks]

Councilman McKay: I think we all noted that this is a testimonial really to all those who have fallen, and we all thought of it that way.

President Ertel: Thank you very much.

Councilwoman Peterson: I have nothing further.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Okay. How about Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Very good. Judiciary?

Judiciary Committee: Chairperson Rob Jaehnig: We have three items tonight, Mr. President. Item A, we are going to be postponing. We are waiting for the final report to be returned and we will probably have a final committee meeting in regards to that between now and the next city council meeting, so if we could please move this to the next meeting, I would appreciate it.

President Ertel: Very good.

Councilman Jaehnig: The second item is three readings on an ordinance rescinding Chapter 701 of the codified ordinances. This is in reference to auctioneering. We have some things on the books that none of us are really sure why they are currently still on the books. I am sure at the time, there was a real reason to have this, but it is in regards to permitting to have auctions within in the city and being a permit fee of \$5.00. We have not been enforcing it or collecting it for quite some time. Unless we are going to start doing so, we might as well remove it from the books and clean up the books a little bit. So, that is why we are asking for three readings to remove that tonight.

Councilwoman Peterson: Is it necessary to have all three or could we just have one?

Councilman Jaehnig: No, we could have just one if you would prefer.

Councilwoman Peterson: I would prefer that.

Councilman Jaehnig: That is fine.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Rescinding Chapter 701 of the Codified Ordinances of the City of Wilmington.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: The last item tonight is the first reading on the Community Development Block Grant. There will be two public hearings coming up on this in June. We do have to have this completed by the end of June, so we will do the first reading tonight. The CDBG grant is allowing us to do multiple projects. Whitaker Wright will be here at the next meeting to present a review of the individual projects, but they include finishing the Little Giant, they include some sidewalk work, and some projects for some of the nonprofits around town. So, in order to meet grant deadlines and not force things too quickly, we will do the first reading tonight, and the ordinance is available for review.

Councilwoman Peterson: I would like to voice some concern. Unless I missed something, this appeared on the agenda without a committee meeting.

Councilman Jaehnig: You are correct.

Councilwoman Peterson: That frankly concerns me, because that should be the venue to be on the agenda. Is there any way that we can have a committee meeting before this reading?

Councilman Jaehnig: Before tonight?

[Laughter]

Councilman Jaehnig: We would have to go multiple readings then in order to complete it by the deadline.

Mayor Raizk: Typically, I don't think we have CDBG as a committee meeting, since we get the same amount of money every year and we do have the public hearings.

Kathryn Hapner: There will be three meetings between now and June 25...I mean tonight and then the two in June would come before.

Mayor Raizk: You could have a committee meeting on it before then. Because these always require two public hearings here in council chambers, I am not sure that this has ever gone through committee before.

Councilwoman Peterson: I just don't recall seeing anything appear without a committee meeting.

Mayor Raizk: I think they do depending on the nature of them. For instance, things like Fair Housing and those things. I am not sure if CDBG has ever had a committee meeting because we have the public hearings and the committee attends that right here in the council chambers. But, it is up to you. The one thing that is real critical on this is that we have it done by the end of June – June 25.

Kathryn Hapner: There will be a meeting on June 3 and June 17.

Mayor Raizk: It is an emergency, so it does take effect immediately.

Councilman Jaehnig: We did process the CDBG last year the same way, so the mayor is correct in the consistency of how this has been presented.

Councilwoman Peterson: Okay. Then I am fine. Thank you.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing the Submittal of an Application for the FY 2010 Small Cities Community Development Block Grant (CDBG) Formula Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Councilman Jaehnig: We do need to schedule a Judiciary Committee meeting between now and the next council meeting.

Andrea Tacoronte: Okay.

Councilman Jaehnig: That is all. Thank you, Mr. President.

Mayor Raizk: May I make a request, Mr. Chairman? On item A, the Safe Routes to School, when you get your final information that you are requesting, you are going to have a committee meeting on it. Could that meeting be something that could be well advertised in order to answer a lot of questions? I think there are some questions and concerns – just to make sure the map gets right and all of the right kinds of things. I know that is what you are trying to do, but if you could, at least try to have an early evening meeting or something that could be attended by a lot of folks.

Councilman Jaehnig: I agree with you completely, and that is why we are not moving forward on this.

Mayor Raizk: So when you do that, we will assist you in getting that word out.

Councilman Jaehnig: Thank you very much.

President Ertel: Very good. Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I don't have any agenda items tonight, Mr. President, but I did want to point out, and I imagine many of us have read this, but I think it needs repeating, at least in part. Commissioner Riley stepped up and wrote a nice letter to the editor, and I would just like to relay a couple of parts of it, if you would allow me to.

We are a stubborn people. People in Clinton County and Wilmington do not give up, do not back down and always, always support each other when times get tough. We have seen this happen time and time again over the past two years.

Councilman McKay: Then there is some other verbiage and then the last paragraph...

They need our help. Shop downtown. You might have to walk around construction workers and over piles of rubble, but shop downtown. Make a special effort to go to a downtown restaurant or store. These good folks need our help right now. Let us all help to get them through this major curb and sidewalk project. Take the time, put on your hiking boots and shop downtown.

*RANDY RILEY
Wilmington*

Councilman McKay: I just can't support that more. I thank Randy a bunch. I think the more that we think about this and maybe we could get something in the paper – it would be wonderful. Just to kind of remind folks, let's not bypass the downtown. Let's make a special effort, because a lot of these people are hanging a little bit by a thread financially, and if they can get 10 more sales in a day, that might help them make payroll where they may not have been able to. So, let's all try thinking about going to Books 'N' More and the Hotel and Get Fit and Traditions and the Murphy Theatre...

Councilman Jaehnig: You're going to forget someone, Mark.

Councilman McKay: ...and all of these other places when you start naming them. Just look up and down Main Street and South Street and make an effort. We'll get through this, and we are real proud of our downtown. We had a meeting today that was a kickoff for the Tier II CDBG and we just got all kinds of accolades about how beautiful our downtown is. Maybe we need a new acronym like we have for the landfill – Shop Our Downtown – SOD.

Councilman Jaehnig: Save our Stores.

Councilman McKay: Well, I didn't want it to become Save our Downtown...so right now let's make it Shop our Downtown.

Councilman Jaehnig: Mark, in conjunction with this, there was a great piece that Mark and Taylor from Energize Clinton County put together that showed the difference of parking in Wal-Mart, the distance that you have to walk, compared to having to park not necessarily right in front of the store you want downtown. It is still substantially shorter, even if you do have to park around the block. So, keep that in mind. It is not necessarily easier.

Councilman McKay: Make an effort. Thank you.

President Ertel: Very good. Thank you. Parks & Recreation?

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

[Laughter]

President Ertel: Very good. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I don't know what to say...you said it all, Mark. However, the projects are moving pretty well, really. They don't go where we want them to go. We were told one thing about the concrete coming back this way. The problem we got into, especially down over the hill, we've gotten into a lot of utility work. We had to put a new storm line in. We had to replace some water lines, Vectren did some work, so the boys putting in the sidewalks, they just decided to start right down there and come back this way. In fact, I think if it doesn't rain really bad tomorrow, they are going to be pouring downtown. They are moving right along. We started tearing up Locust Street and they will be moving around there pouring curbs next week. We have marked out on 68 N and Xenia Avenue and we will be digging there next week. Nelson Avenue, they have the whole east side curb poured today. It is finished, all of the way out to Country Oaks. They probably won't start tomorrow on the west side, but probably at the first of the week they will be coming down. Then, it will be not too much milling, but a lot of filling and they will be paving that street out. That is due to be done in June. That will be a nice roadway.

Councilman McKay: Are we going to be getting any extra gravel between Warren Drive and the bike trail?

Service Director Reinsmith: That is in the back of my mind, Mark, you know that.

Councilman McKay: They should just...

Service Director Reinsmith: I know. If we can scrounge something up we will put it in there. But, I think all in all, if you come down Main Street and look at that sidewalk, it looks real nice.

Mayor Raizk: I think everybody has gotten a glimmer. Before, we didn't know what it might look like, but I think now that you can see the curb and you can see some of the sidewalk, you are going to see how sharp it is really going to look. It is going to make a big difference. You know, there is a residual effect to that with properties in my opinion. So, with the nice curb and gutter and sidewalks, I think it will have some bounce on properties as well.

Service Director Reinsmith: Yeah, we bounced one of them. We bounced that one house there on Main Street. It has to come down. You know, the sidewalk was holding it up, so that was a little problem there. We have that scheduled to come down. Another thing, we have taken down three houses this week. We took one down on Howard Street, Clinton Street, West Locust. We have the one on Walnut scheduled to come down. So, we are moving that way too, so...

Councilwoman Peterson: I hope you got the tarp off of the one on Locust Street.

Service Director Reinsmith: Why, did you want it?

Councilwoman Peterson: I'm just joking...

Service Director Reinsmith: I wouldn't worry as much about the tarp as I would the tree. That is all, Mr. President.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – In the absence of Safety Director Nick Babb, Mayor Raizk: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Auditor-Treasurer's Report – April 2010 and the Hotel Lodging Tax Receipts – First Quarter 2010, as received.

Motion passed.

Reports accepted as received.

Kathryn Hapner: If I could just give you more information, you will notice that Wilmington Inn has zero dollars; it is not because they have zero guests. They just aren't submitting... Mary Kay has given me information to file a complaint against them to recover that from them, so we are working on that. Hopefully, we will be able to do that pretty soon.

Councilwoman Peterson: They are collecting it...

Kathryn Hapner: They are collecting, they are just not paying. We haven't gotten it since June of last year. Hopefully, soon, we'll collect that.

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 Mongold: I would just like to remind everyone that Tuesday night, May 25, is the Community Garden Mural Auction. The hors d'oeuvres are from 4-6 and then the auction is set at 6 pm. It is \$15 a person and reservations are necessary. You can call the hotel at 383-4141. If you have any questions, give me a call. I have actually had quite a few people call me with questions. There is some interest. That is Tuesday night, so put that on your calendar. Thank you.

Paul Hunter: 200 Randolph Street. I know you people are tired of me, and I am tired of doing it, but some of these issues are... On Lytle Place, this nice old man has been stealing from his neighbors for the last 20+ years. We have tried. We have rewritten ordinances. We have gone after him. If you look at that picture that is passing along, nothing has changed. He is stealing in two ways. One, he is stealing the right of his seven or eight neighbors to sit in their front yard and have a decent view. He is stealing in the second place by devaluing their property. If a person comes to the next door house and says "I want to buy your house. Well, I'm not going to pay you what you want because that junkyard right next to you is an eyesore." We have one complaint that has been working and it passed its get-well date, on the seventh, I think, of this month. He hasn't changed anything, as of this morning anyway. The only way I can think, and I've been trying every way I could, the next step is I would respectfully suggest that the Law Director send this fellow (and she can find the data in Code Enforcement) a strong warning with the financial costs if he continues to allow this. If that doesn't work, if there is ever a case we want to take to court (which we don't like to do that), this is one that we should. Bring the full weight of the municipal law down on this thief. A nice guy, but a thief. Thank you

President Ertel: Thank you. Yes, Larry?

Service Director Reinsmith: I would like to respond a little bit to that. Come up here, Paul, I want you to see this too. Come on up here. I went on that property last week, because when I was a building inspector, I was on this guy's case. Here is a copy of the letter I wrote in 1994. So, it has been 16 years. Here are the pictures of the house back in 1994. The camper was there, and it is still there. There is a station wagon right here...

Paul Hunter: The cherry picker has been around for a long time, too.

Service Director Reinsmith: You see this station wagon? It was usable at that time, and now it sits right there. Do you see that? In this driveway, there is a black Corvair. Here is the Corvair today.

Paul Hunter: Michelle told me that she went back through the records and it goes back to 1986 or something like that.

Service Director Reinsmith: I have one over on Woodview that I'm doing the same with. I put together a whole Power Point presentation. My thought was maybe I could embarrass these people a little bit to do something. They have been like this for 16 or 17 years. We have a file on a couple of them like this. We have had them in court. Kathryn has had letters...I was looking through them. The judge does something to them and then he might give them a reprieve or he might slap their hands and say "Clean it up." And they clean it up a little bit...

Paul Hunter: Well, they move them around...

Service Director Reinsmith: ...but, we need to do something where we can really put some teeth in it and say...

Paul Hunter: See, this meets your criteria of front yard and a public nuisance. Both of those are...

Kathryn Hapner: Are the cars operable?

Service Director Reinsmith: They can't be. One doesn't have a front half of it.

[Laughter]

Paul Hunter: The two cars on the grass are a public nuisance. I do want to congratulate the cab people. As an ex cab driver, I'm proud, man.

Councilwoman Peterson: Mr. Earley had the same comments. We know about the places; we just can't seem to move forward on them.

Service Director Reinsmith: They'll go in front of the judge. The judge will say "Clean this up," and they'll do things and they'll come back and that appeases them, so that case is closed. Then we start all over again.

Paul Hunter: He has a right to abate public nuisance. He has a decision to make by ordinance. He can step in.

Kathryn Hapner: I just re-wrote the city ordinances in Hillsboro on these issues. That is what we need to do is re-write these. I am perfectly happy to do that, I just need some direction from you guys so that we can give the city the power to go in there and take care of this.

Councilwoman Peterson: Well, that is what we had at the last committee meeting.

Kathryn Hapner: We talked about that, yes.

Councilwoman Peterson: That is what our subsequent meeting is.

Mayor Raizk: One of the things that came out of the first meeting that I think is very, very good, and Kathryn, I know you said it can't be great...it can't be a big amount of money, but I don't think it needs to be a big amount of money, it can have a cap. Instead of having this process where everybody says, "If it hasn't been cleaned up by a certain time or you haven't made contact, then"...

Kathryn Hapner: Then we just do it.

Mayor Raizk: Well, no, that is not what I'm talking about. I think we institute a fining procedure that starts and it is so much a day up to a maximum of a reasonable amount – you know \$250 or something like that...\$10 a day, which would be good. If they contacted you and said "Look, I have a contractor coming to clean this up." And okay, fine, you give us a letter saying when it will be done by, and you know we could give

somebody a little break. But, if we don't start doing something like that... What else the fine does (and Kathryn, you pointed this out, which I think is very important), is that fine comes to the citizens. If it goes to the court and the judge fines them, it goes to the municipal court and it is shared with everybody. I am thinking that we need something, no matter what you decide the rules are.

Paul Hunter: If he doesn't pay the fine, then don't you still need to go to court?

Mayor Raizk: Yes, but at least you have something that is a little more of a lever before you go.

Kathryn Hapner: Personally, it is up to you guys.

Councilwoman Peterson: I just want to clean them up. I'm tired of...

Kathryn Hapner: I think you are better off if you give the city the power to just, after a certain time period and go through a certain process, if it isn't done, just do it.

Service Director Reinsmith: As long as you have court orders.

Mayor Raizk: Because, again, it is private property.

Kathryn Hapner: Well, you have to go through due process, but as long as you go through due process, I think we need to be able to give ourselves the power, after we follow all of the little steps for due process, to just...

Mayor Raizk: I think we need both things. I think we need a fine procedure and I think we need the ability that after a certain period of time, just kind of like the lawn mowing where we say, "Boom, and we do it." But we have to be able to have that authority. The issue we always have had is that we haven't had that authority. Now, I'm going to tell you that everybody sounds like they are all behind that, but once you start... you are going to get a little gaff about that authority.

Kathryn Hapner: The first couple of times you do it, it is going to be a huge...

Mayor Raizk: We have had problems about the Fire Chief, who has that authority, and the Police Chief, who has that authority, and those things with search warrants and so forth.

Councilwoman Peterson: I am more willing to defend that... cleaning up somebody's property... than trying to explain to citizens why we are not cleaning up...

Mayor Raizk: No, I agree.

Councilwoman Peterson: I'll defend that forever. I'm hoping we can emerge from this...

Paul Hunter: There is an obligation to abate in the ordinances now. They are all over the place. There must be 20 ordinances covering this kind of stuff. Back before we had the building inspector deal or the building code, the police were the enforcement arm of some of these issues. Those are still in the ordinances. The chief of police in his determination can abate the problems himself through whatever means they do it and remove the public nuisance.

Councilman Jaehnig: I think one of the issues is, when the economy is good and things are doing well, these properties are a nuisance and an eyesore. When the economy goes south and people are having difficulties, they become a cancer. When people say, "You know what, I've been working hard to keep up and I have been having a hard time, and the guy next door is not taking care of his property. Why should I take care of mine?" So, instead of having one piece of property, all of a sudden we have five, six, seven, a dozen pieces of property that have let themselves go. And the cleanup then becomes even a bigger issue. And, as I have stated earlier in the year... this is the time that we really need to pay attention for everybody's sake. It is all of our responsibility to make

sure that the city is as clean as possible. We have an opportunity to move forward. And we are going to have investors looking at investing and moving their manufacturing and warehousing and something for the community and new people looking to move in. If we look shabby, they're not going to come.

Councilwoman Peterson: I am hoping we can emerge from this next Judiciary Committee with legislation so we can move this forward. I certainly have that expectation.

Mayor Raizk: I think another thing that needs to happen is all of the old stuff needs to go. We need to get rid of...

Kathryn Hapner: The things that overlap or are in conflict with each other.

Mayor Raizk: Yes. Get rid of that stuff. Paul, some of that stuff, you are exactly right. We may have it on our books, but it is no longer valid in terms of the real world out there, in terms of administrating it.

Paul Hunter: We have three chapters dealing with the subject that we are talking about.

Mayor Raizk: And we need one chapter.

Councilman Jaehnig: And if we have new legislation, it gives us a nice clean starting line.

Paul Hunter: I offered to Laura to go over all of the ordinances and clean them out for a buck, but she said the city couldn't afford it.

President Ertel: I'll give you the buck. Anything else?

Dick Unger: 1036 N. Lincoln Street. A correction and a suggestion. On the Main School Travel Routes, page 30, second paragraph on High Priority School Dropoff/Pickup, it says "prohibit parking or Lorish." I think it should be "on" instead of "or." That needs to be corrected. Suggestion. On the map that you all have, I would like to see, and I think it really behooves us, is a date. There have been so many revisions and so many insertions of old maps into packets and this, that and the other. If there was a date and revision every time it is revised on the map, you would know exactly as you progress along and stop taking back steps on it. I would really like to see that done. This is a document, but it is not a dated document, so you don't know when in the world it came from. This one here says "change to green." That's a change.

Mayor Raizk: Okay. Point taken.

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

Phil Floyd: I would like to make a quick suggestion in regards to Mark's comment about downtown and getting people downtown. For those citizens who find it difficult to find a parking place, call us -- \$2.00.

[Laughter]

Phil Floyd: It is easy, it is convenient, and we're there for them.

Councilman McKay: I will compliment the Wilmington Transit Authority again in regards to the Farmer's Market. I know you all stepped up and made some changes to help folks be able to go to the Farmer's Market that may not be able to drive or may not want to and you have special pickup times and so forth that will be posted. Thanks, again.

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, June 3, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, absent; Mead, 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 Peterson to excuse the absent member.
Motion passed.
Absent member excused.

A motion was made by McKay and seconded by Jaehnig to approve the minutes of the last regular meeting, May 20, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: Don, you have guests.

Councilman Wells: Yes. In the audience tonight, we have a Boy Scout by the name of Dylan Andrews, and we welcome him to our council meeting tonight. Thank you for coming.

[Applause]

President Ertel: Dylan, if you have any questions about how this thing is run, just put your hand up, and we will be glad to... You don't have to shake your head now.

[Laughter]

President Ertel: We'll be glad to answer those questions for you. Maybe after our meeting, then. Moving into the Mayor's report. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. We have some bad news this week. Sheila Sites, who is a lab technician at the water plant, passed away this morning. She had just been recently diagnosed with pancreatic cancer. She was only 45 years old. She leaves behind a husband, Jeff, and two daughters, Chelsea, 19, and Megan, 16. I think from all of the city and from everyone here, our thoughts and our prayers go out to the Sites family. We will carry them in our prayers, because this is truly a tragic thing. She was an excellent worker and she will be really missed, but certainly more missed by her family. I just wanted to let everyone know about that.

Mayor Raizk: Secondly, yesterday was a very good day for us for the city and the entire region. I appreciate council's support coming yesterday. We did at least spare these chambers the ugliness and the wretchedness of "Lips Riley" kissing me on top of my head. We were able to do that in another venue, so this building was not desecrated.

[Laughter]

President Ertel: You might want to explain for the rest of us...

Mayor Raizk: I will explain. A lot of you may or may not know...back when our troubles first began and we were working very diligently back in 2008, I had always had a goal – the lynch pin of our redevelopment strategy has always been to get control of the airpark. So, Randy, Commissioner Riley, has always said, "Davey, if you do that...if you can get that done...then I will kiss you on your bald head at a City Council meeting." I wouldn't let him forget it, and he never forgot it. So, that is what has happened. It has been about a year and a half coming, but we did get it accomplished.

We are very excited about it. He joyfully fulfilled his promise. The reason why we didn't wait until a City Council meeting is we had a heck of a lot more media there yesterday, so we thought we would take advantage of the opportunity. Since the president deemed that we did have a quorum present, we convened and hastily convened a special meeting. That allowed him to do that in front of all of the TV cameras, which was much more embarrassing for him. So, that was the story behind it. Anyway, it was a great day, and we have much to look forward to. It is kind of like be careful of what you wish for because now the real work begins. We have to dig in hard and work harder to try to create jobs and create opportunities for our citizens. But, this is the first step. We have turned the corner and we are moving forward. Again, thanks everybody for all of your help and support.

[Applause]

Mayor Raizk: That is all I have, Mr. President.

President Ertel: Thank you, Mr. Mayor. We appreciate it. 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: Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: Before you this evening we have the first item. This is an ordinance making miscellaneous transfers. Are there any questions?

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

Motion passed

In the absence of the Director of Law, President Ertel 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; Mead, yes; Mongold, yes; McKay, yes.

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; Peterson, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4915 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations.

Councilwoman Peterson: I have a question.

Councilwoman Mongold: Yes.

Councilwoman Peterson: Item B. I was under the impression that we were not going to have that consultant any longer.

Councilwoman Mongold: Well, this is for electrical inspections.

Councilman Jaehnig: This was the contract that was discontinued as a year-long contract, so we have to bring him in on occasion. Instead of contracting for the entire year, we are doing it by the job.

Councilwoman Peterson: Oh. Okay.

Councilwoman Mongold: We will pay small amounts, but nothing near to what we were paying.

Councilwoman Peterson: Got it.

Councilwoman Mongold: We have a building inspector, but they are not certified to do electrical.

Councilwoman Peterson: Thank you.

Councilwoman Mongold: Are there any other questions?

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

Motion passed

President Ertel 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; Mead, yes; Mongold, yes; McKay, yes.

President Ertel 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4916 passed as read.

Councilwoman Mongold: The third item tonight is a resolution authorizing payment of expenses incurred in a prior fiscal year. It is the then and now.

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

Motion passed

President Ertel 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; Mead, yes; Mongold, yes; McKay, yes.

President Ertel read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2200 passed as read.

Councilwoman Mongold: You have received copies of the financials in your packet. We received this yesterday. Finance Committee did review them in their meeting. I would ask that you review the numbers. If you have any questions, you are welcome to call the Auditor or bring them to the next meeting. Hopefully, he will be here. Also, Finance will be meeting again and we will be discussing them. We will let you know when we schedule that meeting. Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, there was no report.

President Ertel: Streets Committee?

Streets Committee – Chairperson Peterson: We have 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: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have three items tonight, Mr. President. The first item, in regards to the Safe Routes to School, we did have a Judiciary Committee meeting last night, and at the completion of the Judiciary meeting, the plan was sent back to the Planning Commission because the map we were currently looking at had not been through Planning Commission. They had approved a different map, so we are not able to just pull up that map and replace it. We are sending it back to the appropriate body for review. So, at this time, I would like to postpone this reading for two meetings. So, the first meeting in July is when I would like to postpone this to.

Mayor Raizk: Planning Commission will meet on the fourth Tuesday in June at 7:00 here.

President Ertel: So noted.

Councilman Jaehnig: The second item is the second and third reading on rescinding Chapter 701 of the Codified Ordinances. This was in regard to permitting to have auctions and the permit fee. It was a \$5 fee. We have not been collecting it. We have not been doing it for years, so we are just cleaning up the books at this particular point.

A motion was made by Jaehnig and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Rescinding Chapter 701 of the Codified Ordinances of the City of Wilmington, Ohio, by title only.

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

President Ertel read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4917 passed as read.

Councilman Jaehnig: The last item under Judiciary is the second reading for the CDBG grant. In the packets, you should have received the budgetary information in regards to the CDBG grant. At our next meeting, Whitaker Wright will be here to do a public hearing and will be available to answer any additional questions on this particular grant.

A motion was made by Jaehnig and seconded by Peterson to give the second reading only on the resolution Authorizing the Submittal of an Application for the FY 2010 Small Cities Community Development Block Grant (CDBG) Formula Program and Declaring an Emergency.

Motion passed

President Ertel read resolution by title only.

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

Councilman Jaehnig: That is all we have today, Mr. President.

President Ertel: Thank you so much. Safety Committee, please?

Safety Committee: Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – We have no legislation tonight, Mr. President. We would like to recognize that we have a lot of folks in our audience tonight that are interested in our downtown revitalization, and we look forward to hearing from you all a little later.

President Ertel: Thank you. Parks & Recreation Committee?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilwoman Peterson: We have no report.

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: None? Okay. Safety Director?

Safety Director – Safety Director Nick Babb: Just the one item, Mr. President. Council, about a month or so ago, passed the legislation to authorize us to use GovDeals.com for our auction. I would like to let you know how we did on our first auction. We had two city cab vans. The first cab van, we had 41 bids. The high bid was \$7,825. This is a 2003 Chevy Express Van. The second was a similar vehicle. We had 19 bids. The high bid was \$5,925. The third item was a police camera system, a Canon. We had 11 bids for \$155. It totaled \$13,905. Those are more bids than we ever got in an annual city auction, and this is just one of probably many auctions we will have on the internet.

Councilman Jaehnig: Those vehicles in the past, we have only been given \$1000 or \$1500 for.

Mayor Raizk: I think \$2500 is the most we have ever gotten for....

Safety Director Nick Babb: So, it is working well. Thank you for passing that legislation. Our fees were about \$1000 on that roughly, so we made over \$12,000.

Paul Hunter: Does that money go back to the cabs or does it go into the general fund?

Deputy Auditor Mary Kay Vance: It is like the regular auction that we had. It will go back to the specific funds that they paid out of originally.

President Ertel: Thanks, Nick. We appreciate that.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – May 2010, 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.

John Schum: I reside at 906 South Nelson, Apartment 13, here in the City of Wilmington. Thank you ladies and gentleman of our council, Mr. Mayor, and Miss Curliss, for the opportunity to speak with you this evening. People of the community also. I have been asked by some of the business people of our community to speak with you regarding an issue that is very near and dear to us. That is our businesses. The small business community, in spite of all of the counsel and commentary, decided to go into small business anyhow. We are finding that in these difficult times, we are having a tremendous degree of difficulty in maintaining viability of our small businesses. We respectfully request that we be able to convey with you some of our concerns, if I may. I received a letter from one of our members, and I would like to be allowed to read portions of it if I may.

President Ertel: Certainly.

John Schum: It starts...

Like far too many in Wilmington, we are struggling to keep our small business afloat in a city already depressed by the closing of DHL and the departure of thousands of people from the area. Respected economists and intellectuals cannot fully explain or predict the vicissitudes of finance. Nor, it seems can their theories and solutions fully tame the beast; what chance have we to do so?

Focusing on our tiny corner of the much discussed Main Street, however, I will venture the thought that blocking access to a business through the actual physical impediment and the projection of a discouraging atmosphere is equivalent to storming the store, boarding the windows, and padlocking the doors. At least the latter method is quick. The former unfortunately allows the business owner to watch the blood, sweat and tears leak slowly out – drop by drop.

No doubt, the city had very good reason to re-do the curbs and sidewalks. It was sorely needed, and thank you. Perhaps it is only the execution that is the problem. The problem is there is nowhere to park and nowhere to walk. This is from one's perspective, as I am sure you are aware. Despite the plea of our friends at the Buy Local, people are not shopping in our stores. It is way too inconvenient, if not dangerous, at times.

John Schum: This particular person says she has no customers. Since the first “DO NOT PARK –BY ORDER OF POLICE” signs were put up on the 3rd of April of this year until now, her business has grossed a total of \$150.00. She can't pay her utility bills or her mortgage.

John Schum: It goes on to an impassioned plea for assistance on some measure. Ladies and gentlemen, as a group of business owners, we would like to first express our sincere appreciation, again, for the improvements to our streets and sidewalks. Again, to reiterate, that this massive amount of construction is really hard on us and the daily operations of our businesses. Recent economic studies done for Wilmington have shown that our businesses help to generate approximately \$30,000,000 in sales for the local economy. Therefore, we are a fairly large business in our community as a group. For many of us, we are losing 50% to nearly 100% of our portion of those sales on a weekly basis. In an effort to better understand the situation and more effectively weather the storm, we would ask the city council to consider the following suggestions and questions, if I may:

John Schum: Open communications lines by appointing a liaison, an advocate if you will, from the City to have direct contact with a representative from the construction firm. I believe it is the Jurgensen Company, who can relay accurate and timely information to us on an ongoing basis, weekly if not daily. As a member of the business community having worked with construction firms in rebuilding and running larger factories in my prior business life, I am familiar that somewhere, somehow there is an individual whose fanny is going to be in a sling if a production schedule is not met. He has to answer to someone daily for what happened with respect to what was scheduled versus what actually happened. Now, we realize that there are things that loom before these poor people trying to fix our city – like hidden gas lines that nobody knew were there. They'll try to take up a piece of sidewalk and something else will break. There is always something unforeseen to keep them from meeting their production schedules. But, ladies and gentlemen, we can't run our businesses without some information about what they would like to do, what they plan to do, and when they plan to do it.

John Schum: For example, this information that we need to do our jobs has to do with scheduling of our employees – those of us who have them – to be at work at times when... For example, if they are working in front of our businesses that day and they will require lots of room and heavy equipment to do whatever they really need to do, it is foolhardy for us to be open and try to encourage people to come into our stores on those

occasions. Could we please, perhaps, have some way of knowing when that would be so that we could schedule our businesses to be open perhaps in the evenings or at another time? We could save money on employees, on lighting, on other associated things. Expenditures for advertising – those of us who advertise – if we are going to have an event and we find out that we can't because there is an obstruction to easy access, certainly those monies were wasted, and we really don't have a lot of that to go around. Is it possible to have an advocate from the city or to speak with the construction company to give us this information in a timely fashion so that we can do our jobs and better take care of our customers and our clientele? Other points of interest at the meeting we had have to do with the usual frustration with an entire lane of traffic being marked off and there doesn't appear to be anybody in that particular lane doing anything that day. Now, we know that things happen to keep people from doing what they would like to do in a space they would like to do it. But could they please take the barrels back down so folks could get through town? I know, myself, that coming back from the outer Rombach areas where Wal-Mart and the other stores are, I bail out and go through the college to keep from coming through town. For heaven's sake, folks, I work in this town. I love it here. I moved to Wilmington and I have never regretted it a day in my life. This is a great community. You guys are doing a wonderful job of running the town. It is just that at times it is a little difficult. Not being really used to doing small business this way, it is very difficult on good days to make the right decision. During these difficult times, if we could have a little help with respect to information about when things are happening and how they are happening, we could be better stewards of the money that we have left. Again, we are asking if there is some way for some of us to have deferment on perhaps... We fully intend to pay all of our utilities, our water, and our DP&L. Is there some way that we can speak with someone to make arrangements to pay the utilities later – maybe over time a certain reduced amount per week rather than \$300-\$400 or a \$1000 or \$5000 or whatever the size of our business and that load is all at once? Maybe to stretch it out after the sidewalks and the traffic improves. Is there some way for that? That is the consensus and that is the request.

John Schum: Again, I would like to reiterate that we are genuinely and honestly thankful that you have taken the time and effort to make our city a beautiful place for people to come to and to spend their time and their money. Sincerely. If there is anything you could do to help us, we would really appreciate it. Thank you very much. Do you have any questions for me?

Mayor Raizk: Go ahead, Bob.

Councilman Mead: The chamber of commerce is supposed to be your advocate, especially in the uptown area. Aren't they able to do these things of which you are speaking?

John Schum: There seem to be several bodies at times at odds with each other. I know that they attempt and most times work very well together. The Main Street Wilmington Association, for example, there are a great many of us who are members of this very good and worthwhile association. There are those of us who are members of the chamber also, sir. We really are not getting a great deal of information to run our businesses from those bodies, so this is why we have asked to speak with you this evening, so that we may more directly find out who we may see about this. Yesterday morning, in an attempt to try to find out another avenue of approach, I went by Our Father's Kitchen where the construction company had a crew working. I know from my business past that sooner or later the foreman will be around. Sure enough, there came a pickup truck and these fellows that were working turned and came over to this truck. They appeared to get direction and engage in a conversation with this fellow. So, when they were finished, I went over to speak with him. I introduced myself and I asked him... Well, right off the bat, he folded his arms and was somewhat defensive and apprehensive. I tried to convey with him that I wasn't interested in really getting him in a jam or hollering at him. I wasn't mad or any of this stuff. I was just trying to find out if there was someone in his organization who knew what the production schedule was so that we may be able to contact him to get an update. His initial response was that "Well, you know, this is not like a factory. Things don't just happen one, two three. There are the weather considerations. There are labor considerations. There are hidden gas mains and water

lines and other things happen.” I assured him that I was aware of that, but I also knew that sooner or later somewhere in every organization somebody, again, was going to get their fanny in a sling if the production schedule wasn’t met. I knew that there was someone in his organization who had that job. If he could please just steer me in the right direction. He graciously wrote down a name and a phone number, which I gave to Mr. Brown as a point of contact, trying to resolve this situation from another avenue. Because several of our other business people in town are very frustrated in that they are not able to do what they would love to do – which is run their businesses efficiently and effectively – due to a lack of information on things.

Councilwoman Peterson: Before we started this project six months ago, we identified that communication was going to be key and developing a communication plan. I guess I am confused about where the wheels fell off.

Mayor Raizk: Well, the wheels didn’t fall off on anybody’s end. Let’s be perfectly honest. The problem is we are not the inspectors and we are not... It’s an ODOT project, so we don’t have as much say about the production schedule as we would like. But the answer to your question, “Can you have an advocate?” The answer is yes. That is easy, and we will do that. We are as frustrated as you are, because we have asked for information, and the information that we get is not always what gets followed. This has been several weeks ago, but when the work was first started downtown, for instance, we said “Let’s start downtown and move backwards.” Originally, it was going to start at the railroad tracks and work backwards. And they said, “No, let’s do it the other way.” And we said, “Okay, that’s a good thing and we’ll do that first.” Then, all of a sudden, we start, and then they skip. Then, all of a sudden, we’re skipping around. So what happens is you’ve got this part done and... Please, understand, our frustration level is as high as yours. There are three things that you identified that I think we can do and we’re going to try to do something about. Number one is some way or another to get you an advocate. If you want it can be Steve or whoever you want from your side. We’re not on sides, we’re all in the same pot, so let’s not call it sides, but we will get someone from there. We’re going to try to find a person on the other side who will get us accurate information. We will continue to use the city website like we did before. That was part of our communication plan that we rolled out in the beginning. It is better now than it was, but that is because we’re getting a little more information. In the beginning, our information was a little sketchy.

Mayor Raizk: The other thing that is of frustration to us as well as you is what happens when there is no activity present and there is not a safety hazard, like the pavement is not milled yet so there is a gap between the curb and gutter. But if it is in and the sidewalk is in and they’re not working there, then we don’t need the barrels there. We agree with that. Understand, a lot of the reason why they do it that the safety is their baby until they’re done with it – the liabilities. We will try to get together with them within the next couple of days. I am going to ask that the Service Director and Safety Director and I meet with the principals of the project and tell them what we need to have done and try to get some accurate scheduling information.

John Schum: Thank you very much.

Mayor Raizk: We have been frustrated with the level of information. Then we get it and we put it out there, and then it is not what occurs and we feel like idiots because we said, “Okay, you’re going to be working on the sidewalk here this week.” Fine, okay. I think everybody realizes that we would all like to go to bed at night and somebody wave a magic wand and it would be perfectly done. The second thing is, we want it done right – those are things that we want done. But they need to work with us a little bit more than they have been. I will also check into the deferment of utility issues. We will talk about it, and I think maybe we could do something. I don’t think that is something we can ignore. We could do it. It is affecting everybody. I can no longer pull in carriers to unload our merchandise in front of our business. Whether you’re downtown or out on West Main Street, we’ve got the same situation.

Councilman McKay: May I say something.

Mayor Raizk: Yes.

Councilman McKay: John, I know we all appreciate your presentation tonight. It was non-confrontational. I don't know if other folks would like to speak, which would be fine. I know you guys have been through a process to develop what you want to do. I know we all feel this as deeply as you do on the surface, but we don't have a business downtown. That's a problem.

John Schum: Well, some of you do.

Councilman McKay: Well, some of us...that is correct. I've worked with Steve and I've worked with Ernie. Initially, I tried to be that person that you needed, and I found it very difficult. It is kind of a case of "Is the cure going to kill the patient?" We certainly hope that that does not happen, because our downtown is our jewel.

John Schum: One of our committee in an exasperated state commented that we might have the most beautiful empty downtown in Ohio. I assured them that this was not likely to happen. But, this is the level of emotion that we are working through. We honestly, genuinely appreciate the opportunity to speak with you.

President Ertel: I think we have three persons from the contracting firm in the back. Would any of you like to speak to the issues?

Chris Rutkai: Sure.

President Ertel: So, now we will get to hear another side. Thanks, John. We appreciate it.

[Applause]

Mayor Raizk: While you're walking up...John, in terms of the advocate, is it the group's decision that Steve would be the contact person for you?

John Schum: We're not volunteering Steve for an additional job, but if he would agree to step up...

Mayor Raizk: So we don't leave here tonight without that.

Chris Rutkai: J.R. Jurgensen Company. I live in Springboro. I agree that communication is the most important thing in life. We've tried to work with Ernie Blankenship. He's very busy; we're very busy. I think it is a great idea to appoint somebody that can be in contact with people such as yourself. I will talk to you every day and tell you what we're going to try to do.

[Applause]

Mayor Raizk: One thing I would like...if you would...is there some way that you could meet with Larry and me and the Safety Director ...like Monday or Tuesday? One of the things that we would like to do – one of our ways of doing this is to take that schedule, if you can give us something reasonably close. We understand that there are rainstorms and the gas lines. But, what we would like to do is have that schedule, if you know what that is, then we can put it on the website. We need to work together in terms of that schedule and what else our city crews are doing that could help in your wake, so to speak. If we could get together a meeting (before you leave tonight, pick a time) so we can get all of that done...that would be great.

Chris Rutkai: That's no problem.

Mayor Raizk: Okay.

Chris Rutkai: Whenever it is convenient for you, I'll be here.

Mayor Raizk: Okay.

Chris Rutkai: Just to speak to some of the points we talked about, it has been extremely difficult. I would love to just lay out a schedule and say “We’re going to be one week down this side...,” you know. Just last night we got a call from ODOT at about 5:00 to cease operations on Locust Street where we were digging because the pavement was about 17 inches thick and it is supposed to be 8 on the plans. It has been... I won’t say a nightmare...but it has been difficult. Everything on the plans...you could basically throw the plans away. They are very inaccurate as to what is out there. Every day, we are dealing with utilities. The city has been very helpful. They have done a tremendous amount of work in front of us and behind us, just fixing downspouts and all kinds of stuff that we have run into. In fact, there is a stretch through downtown that has been opened up for a while, which maybe you’re speaking about, on the east end. We had to abandon that spot because there is all kinds of work the city had to do there – repair work to the drainage systems and whatnot. Believe me, we would have had it poured back by now. We are not trying to just haphazardly tear up everything. We try to have a plan and go through it. We get stopped here because of the gas lines... I mean, it has been a very difficult process. Aaron has been under so much pressure and stress and we’ve got people yelling at him all day long. I apologize if he was curt to you.

John Schum: He was very helpful. Very nice. Very professional. Very helpful.

Chris Rutkai: Well, I can give you my business cards. You can call me at any time. I’ll talk to you or Steve daily, if you like. You can call me anytime. I will try to tell you what we have planned out on a daily basis or a weekly basis – as far as we can look ahead – so you can keep everybody else abreast. We will do a better job of communicating. We have a set of plans that tell you to tear up all of the sidewalk and replace it. Unfortunately, sidewalk removal takes a lot longer than the placement of sidewalks, so you have to tear out a bunch to get ready for them, and then you run into all of these problems and so it extends everything out, so... So, all we can do is communicate.

Mayor Raizk: Can I tell you one thing on the positive side? What you have done so far...it looks great. It looks good.

[Applause]

Mayor Raizk: Once it gets all done and the streets are milled and we get good asphalt down there, it is going to look like a million bucks. Do you want someone from ODOT at that meeting, and if so, who would you like?

Chris Rutkai: Yes. Scott Nicely is with ODOT. He is the project manager for ODOT.

Mayor Raizk: Scott. Okay. I didn’t see you back there.

Scott Nicely: I’m a little short.

[Laughter]

Mayor Raizk: Okay. Before you guys leave, we will pick a time for meeting and we’ll get that done. That way we can get good information to funnel and that way and it will work out.

Councilman Jaehnig: If I can make just one last suggestion. I couldn’t do the work that these guys are doing, especially in the heat at this time of year. I mean, it is far too hot too early this year. But, at the end of the day, we had a situation with a piece of equipment parked directly in the entrance of a business for two days. They couldn’t even get into their business.

Chris Rutkai: That shouldn’t happen.

Councilman Jaehnig: Could we make sure that things are put back? I notice you open the lanes up every night and I appreciate that greatly. Some of the things if we could remember to remove them. I know at the end of the day they’re happy, it’s the end of the

day, let's go get something to eat and sit down and take the weight off. It is those little things that sometimes that are such a distraction, unfortunately, to the customers that become very fickle and then run out to Wal-Mart.

Chris Rutkai: I can appreciate that. I will definitely talk to the guys tomorrow about being more sensitive to businesses. They have a lot of work to do and it is very stressful and sometimes they probably don't think about certain...

Councilman Jaehnig: Well, I can understand that...but any help we could get would be greatly appreciated.

Chris Rutaki: Right.

Councilwoman Peterson: And also while they are here in town, please encourage them to visit the businesses.

[Laughter]

[Applause and general comments of thanks]

Mayor Raizk: We really appreciate you taking the time to come this evening. That is great. That says a lot.

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

Councilwoman Mongold: I had a conversation with Phil Floyd last month. He is the Director of our Taxi Cab System. He is very interested in partnering with the businesses to provide transportation downtown. We talked about maybe even coming up with a voucher system where if the taxi provides the transportation downtown and they shop in your store and spend money or spend a certain amount of money, perhaps you could give them a voucher that would help pay maybe a dollar off of their ride or something to get them downtown. They know where to go and how to maneuver around the traffic downtown to pick them up. If any business is interested in partnering with our taxi system, please call Phil Floyd out at our taxi department because he is very anxious to work with 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 on Thursday, June 17, 2010, with President Pro Tem Sandra Mongold presiding.

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

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

Sgt. Ron Cravens was also present.

Council gave the Pledge of Allegiance to the flag.

President Pro Tem – Sandy Mongold: Well, we're very thin tonight.

[Laughter and banter]

President Pro Tem Mongold: We thank you all for coming, and we welcome our guests.

A motion was made by McKay and seconded by Mead to approve the minutes of the last regular meeting, June 3, 2010, as received.
Motion passed.
Minutes approved as received.

President Pro Tem Mongold opened the public hearing on the FY 2010 Small Cities Community Development Block Grant.

Whitaker Wright: Thank you, Madame President. Good evening. My name is Whitaker Wright. I'm with CDC of Ohio. This is the second public hearing for Wilmington's 2010 Formula Grant. This is the City's annual infrastructure grant application. This year, the application is a little different than in years past, owing in part to the city's current fiscal situation with the departure of DHL. We have had two projects in process in the last couple of years: one is the rehabilitation of the Little Giant Restaurant's building and one was the repair of a collapsing sidewalk at Mulberry and Main Street by the General Denver Hotel. Due to the current fiscal constraints in the City, the City does not have the funds it had initially pledged to these projects. The City consulted with the Ohio Department of Development and asked if it would be possible to extend those two projects and use 2010 money to complete them. It is an unusual request and it is not one that the Department of Development entertains very often. However, ODOD is well aware of the fiscal situation here in Wilmington with DHL's departure. In talking with the Assistant Chief of the Office, she felt that that was a very reasonable request and a good use of the funds. Consequently, what we will be doing this year with the 2010 funds is we will be spending \$17,200 to add to the original \$40,000 budget, and we will work to complete the Little Giant project. That project was bid twice and came well over the original \$40,000-odd dollar estimate. So, in working with several contractors who had bid on the job, Laura and Larry were able to determine that the additional \$17,200 should be able to complete that project at current prices. In addition, the City had committed \$20,000 to the sidewalk project last year. This year, we will be committing \$25,500 to the original \$40,900 budget. The issue and concern that the City has with the Main and Mulberry project is that no one is entirely certain why the sidewalk is collapsing. One concern is that it may impact the basement of the General Denver. One concern is that there may be a serious drainage problem underneath. The City has consulted with an engineer and got an approximate price for engineering services for the project of about \$10,000. So, the total for the sidewalk improvement project this year will be \$66,400, with the \$25,500 in 2010 funds. In addition, this year the State of Ohio is requiring all CDBG communities to complete the analysis of impediments to Fair Housing. It is a planning document that the State requires communities to write every ten years. Afterwards, it is normally just an update as it is part of the general Fair Housing services. We consulted with ODOD again and asked what would be a reasonable fee that

firms would charge to write an analysis of impediments. We were given a range of costs between \$5000 and \$10,000, and we selected the figure of \$5,000. The City has had, as a part of procurement, its bidder for the standard Fair Housing program, and they have agreed to write it for \$5,000. In addition, we will be using the \$2,500 for the standard Fair Housing program, which is an outreach and marketing for Fair Housing, and then we will be expending \$88,000 on general administration, which covers writing the application, the environmental review and preparing all of the bid documents.

Councilman Jaehnig: Whitaker, I think you just misspoke there. \$88,000 doesn't sound quite right.

Whitaker Wright: Oh, \$8,800. I'm sorry. Anyway, the total budget is \$59,000. I open the floor for questions.

Paul Hunter: The General Denver...has it been determined that it is the General Denver's responsibility? Did they apply for this money or are we doing it arbitrarily?

Whitaker Wright: The City evaluated the project last year and determined that the public right-of-way appears to be collapsing.

Paul Hunter: The street.

Whitaker Wright: No, the curb and the sidewalk between the street and the General Denver is cracking and heaving.

Paul Hunter: But at my home, that would be my responsibility. What is the difference? I'm not saying it isn't, I just want to know why.

Whitaker Wright: My understanding is that when Dave Allen and the Service Department evaluated it, they were concerned about drainage impacting that whole intersection. I am not an engineer, so...

Paul Hunter: Nor am I. It is just not clear in my head why this sidewalk is different than another sidewalk where they have problems with sinking and cracking or whatever it may be. I mean, the hotel has a bunch of nice people; we want it to stay healthy.

Whitaker Wright: Part of the question may be whether or not the substructure of the General Denver – how far that extends out and does it extend under the sidewalk.

Paul Hunter: And when we go in there, which we will have to do before we know [Inaudible for Transcription] it is the property owner's problem, we tell them we determine that from the money that we spend, can we stop spending the money?

Larry Reinsmith: Paul, that first...what was it, the engineering...?

Paul Hunter: The \$10,000.

Larry Reinsmith: We met with CDS and they are going to come in and do some preliminary borings to try to get a better picture of what is down below that surface there. I think that was the problem all along, we didn't want to try to bid it out to a contractor and he not know what is underneath there.

Paul Hunter: So, we are just going for the engineering at this point?

Larry Reinsmith: Well, no, I think it is for the whole project.

Whitaker Wright: It is for the whole project.

Paul Hunter: Oh, the ten million is for the whole thing?

Larry Reinsmith: No, \$10,000 is for the engineering...

Whitaker Wright: Just for the engineering.

Larry Reinsmith: ...and put the specs together and bid the thing out.

Paul Hunter: Why don't you go ahead and tear it down.

Councilman Jaehnig: Part of the problem that we are in at this particular point of the game is that the funds that were appropriated last year for these particular projects. If we don't finish the funds and finish these projects now, the City is going to have to come up with those funds and pay them back to the State.

Paul Hunter: That is for the Little Giant – is that is all it is?

Councilman Jaehnig: No, it is also for this other project. So, we're kind of at the position now, it's like, okay, the state has given us the opportunity to finish without spending City money or to not finish it and pay them back. So, the reasoning on why and what we should be doing seem very clear in regards to what...

Paul Hunter: I served in the Defense Department for many years and the idea was low-ball the project and then congress buys in and says "Oh, it's going to cost twice that much." But we have this much in it, we might as well go ahead with the project.

Larry Reinsmith: The problem is we don't have that pot of gold beyond that. We don't have the additional money.

Paul Hunter: I'm just trying to nose around. If you say we're short on money, is that a good application of it? That's all.

Councilman Jaehnig: Well, we have to give the money back if we don't use it for that particular project. It's not like we can take the money and use it for something else or put it back in the bank. It is not an option. We either give it back to the state or we take the rest of this money and finish the project. Those are the only two options we have.

Scott Kirchner: Whitaker, is that correct? There are no other projects that this money can go to?

Whitaker Wright: Well, if the City does not take the 2010 money, it would have to pay back the 08 and 09. At this point, we did a calculation, and that comes out to... the city would have to return \$14,800 in City funds to the State.

Scott Kirchner: We have already drawn that money.

Whitaker Wright: Yes. Those were funds drawn for Fair Housing, the bidding work, the application, and the environmental reviews on both grants.

Scott Kirchner: So, the sidewalk project specifically has to be completed with these funds or the city has to pay back the \$14,000 they have already poured into the project.

Larry Reinsmith: But those funds didn't go into the project. They went into other things.

Whitaker Wright: Well, they went into preparing for the projects for both Little Giant and for the...

Paul Hunter: The money is just sitting there, right? We haven't expended it.

Whitaker Wright: No. The only funds that the City would have to pay back are what was drawn and that comes out to \$8100 for the 2008 grant and \$6700 for the 2009.

Scott Kirchner: I would say that in support of Mr. Hunter's point, and I believe it was 1995 my 92-year-old neighbor received a letter from the City clearly stating to her that her sidewalks were her responsibility and they all had to be torn out and replaced. I do have curiosity how this sidewalk changes, because property owners are responsible for

their sidewalks, “How did we get down this path?” would be my question to council. The City had no problem sending my elderly fixed-income neighbor a note telling her to step up with her checkbook. Perhaps you could speak to that thought.

Councilman McKay: I would concur with you Scott, except for the fact that we are spending a whole lot of other people’s money to repair a whole lot of sidewalks other than that area and this year, to me, seems a little different because of that.

Paul Hunter: We should have asked the question last year. I understand it is moot now.

Councilman Jaehnig: Well, if you go with that same logic, then we should have turned away the ODOT money for all of the sidewalks that are being put uptown now.

Scott Kirchner: I believe that is a complete mischaracterization of the question on the table here, Councilman Jaehnig. You have a private property owner who is not receiving an investment benefit that was dictated by a state level project, federal level funding. This is a different issue, so I don’t think you can tie the two together. I agree that with the opportunity to replace curbs and sidewalks with federal stimulus money, we were right to accept it. I don’t look at those citizens and say, “They should have to pay.” That money was put out for a purpose. This project, however, is a completely different issue, and the question and concern is going back to the origination of getting into this project and the fact that we will issue to private citizens their responsibility on the sidewalk, and then why not here, because we’re to a point of, “Okay, well we’ve spent so much; now we’re going to have to spend more.” [Inaudible for Transcription] point.

Councilman Jaehnig: And if we were asking the citizens of Wilmington to use their tax money to do that, I would agree with you to a certain point. We are not asking to do that; we’re using grant money. It is not costing the citizens of Wilmington a dime for the particular project.

Councilman McKay: And it is also not residential property.

Scott Kirchner: It is a private business for profit and I would ask, Councilman Jaehnig, “Where do you think those grant funds come from?” They are from the tax dollars paid by the citizens of this city.

Councilman Jaehnig: Right, and the same as the stimulus money. They come from our taxes also. We’re at a point now. We are already in this particular situation, so do we go ahead with the project, which we truly do not know what the problem may be? The problem may actually be a city problem. We are not aware. We are not sure what the issue is and what is causing it. So, do we make the decision to move forward and make the repairs since we have the opportunity to do so, or do we sit there, wait for it cave in, and say, “Sorry, General Denver, it is your responsibility.”

Scott Kirchner: That seemed to be the approach on the sidewalks in my neighborhood. That is why I am asking, what makes the General Denver owners different than the 92-year-old neighbor I had.

President Pro Tem Mongold: Thank you, Scott. Are there any other individuals that have comments.

Dick Unger: I would kind of like an answer...if it is the General Denver’s problem, are they going to fix it or is the city going to fix it?

Councilman McKay: We’ll find out when we vote tonight.

Dick Unger: Pardon?

President Pro Tem Mongold: I don’t think we know whose problem it is yet, do we?

Councilman McKay: No.

President Pro Tem Mongold: Until we do the engineering?

Councilman McKay: All we can do is find out by applying at least a portion of this money.

President Pro Tem Mongold: It could be a city project.

Scott Kirchner: If, in fact, we get to the point where we spend this money and find out it is the General Denver's problem, will the City have to pay back the originally spent money and the money we are about to spend? That would be my question.

Councilman Jaehnig: If we decided to stop the project. Correct?

Whitaker Wright: That is correct.

Scott Kirchner: So it could be that on top of the \$14,000 that we have to pay back, we would also have to pay this money back from the city if it is determined it is the General Denver's problem?

Councilman Jaehnig: If we decided to stop the project.

Councilman McKay: Now.

Councilman Jaehnig: Or in the future. If at any point we decide that we want to stop the project, we can stop the project, but we are going to have to pay back all of the money that we've spent that we have appropriated from the grant or drew from the grant.

President Pro Tem Mongold: In its entirety; is that correct, Whitaker?

Whitaker Wright: Yes.

Paul Hunter: So it must be fixed. Is that what you are saying?

President Pro Tem Mongold: We can't stop it once we find out the problem.

Paul Hunter: If the repair exceeds the amount that is allocated...we don't know, right, the final bill...if it exceeds what money is in the bond, what do you do?

Scott Kirchner: Is there drainage under there?

Councilman McKay: That is what we are trying to find out.

Larry Reinsmith: There might be a storm line. We have two or three storm lines that run like under the Murphy and all of the way through. There could be one over in that corner. We don't know.

Councilman Jaehnig: Unfortunately, one of the things we discovered, Larry, was when we were doing the sidewalks, you know, the surprises we found downtown were astronomical. And that was one of the problems that things got so delayed in replacing the sidewalks downtown, was every time we turned around, we had another surprise.

Larry Reinsmith: We had one pop up today we had at the Pocket Park. You know, we put a hydrant in there a couple of years ago when we did that...

Paul Hunter: So there is a risk that...

President Pro Tem Mongold: Excuse me. Larry, would you like to finish what you were saying.

Larry Reinsmith: ...So, I was going to tell you, we put a hydrant in there, a little water fountain, so that they could water the flowers in there and then that property owner started getting water in the basement and they kept saying it was our water, and so they

wanted the hydrant removed. We kept testing the water and it wasn't chlorinated; it wasn't our water, but we took it out anyway. Today we dug that sidewalk up and they have a big drain coming out of their downspouts and it goes under the sidewalk and it stops right there. So, that water comes down, it flows under the sidewalk, and then it saturates it and it starts backing up into their basement. It was their water. We tore the whole corner out.

Paul Hunter: So, in the final analysis, if the amount to fix it exceeds the amount of the grant, who is going to pick that up? Us? Are we committed to that to complete the project regardless? These are just questions. I want to understand it.

Councilwoman Mongold: It's a good question.

Whitaker Wright: It is a good question. I think at this point, we don't know. As Larry and the councilmen have said, we don't know what the problem is.

Paul Hunter: But, let me ask this again. If we do find out and the repair exceeds the amount of the grant, where does that next batch of money come from?

Larry Reinsmith: The only place there is any money is in the General Fund.

Paul Hunter: Pardon me?

Larry Reinsmith: The only money would be in the General Fund because none of those departments...

Paul Hunter: So we would complete it regardless. If it cost another three or four or five thousand, we would do it, we would be committed to do it.

Larry Reinsmith: If they authorize it.

Paul Hunter: Gotcha. Thanks.

President Pro Tem Mongold: We would have to authorize that at the time, correct?

Scott Kirchner: Is there risk, Whitaker, if this is found to be not a city problem but the property owner's problem, that this all will have to be paid back at the end of that.

Whitaker Wright: The City would have to make that determination. That is a legal question that I can't answer.

Councilman Jaehnig: I think what Scott is asking, is there something in the grant that determines if it wasn't a public property issue, then...

Clerk Laura Curliss: It is in the public right-of-way. You can decide whether you want to fix it or not.

Paul Hunter: It has been a very spirited discussion for a change. Usually, it is a bang the gavel down and away we go. Thanks.

President Pro Tem Mongold: Are there any other comments?

President Pro Tem Mongold closed the public hearing on the FY 2010 Small Cities Community Development Block Grant.

Mayor – In the absence of Mayor Raizk, there was no report.

Asset, Acquisition and Use – President Pro Tem Mongold: We have no report. Auditor?

Auditor – Auditor David Hollingsworth: I have nothing.

President Pro Tem Mongold: Finance Committee – I have asked Councilman McKay to read that since I am acting as President of Council tonight.

Finance Committee – Councilman McKay: Thank you, Madame Chairman. Our first item is a reading on an ordinance making miscellaneous transfers. Are there questions?

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

Motion passed

Director of Law read ordinance by title only.

President Pro Tem Mongold requested that the second and third reading be on the Agenda for the Special Council Meeting on Monday, June 21, 2010, at 7:30 a.m. in Council Chambers.

Councilman McKay: The next item is an ordinance making supplemental appropriations. Are there any questions?

A motion was made by McKay 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.

President Pro Tem Mongold requested that the second and third readings be on the Agenda for the Special Council Meeting on Monday, June 21, 2010, at 7:30 a.m.

Councilman McKay: That is all I have.

President Pro Tem Mongold: Thank you. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Rob Jaehnig: There is no report.

President Pro Tem Mongold: Streets Committee?

Clerk Laura Curliss: That's Cindy. She may want to announce that meeting.

President Pro Tem Mongold: There is a Streets Committee meeting on July 8 at 4 p.m. in the Mayor's Conference Room. Solid Waste Recycling Committee?

Solid Waste/Recycling Committee: In the absence of Chairperson Don Wells, Councilman Mead: No report.

President Pro Tem Mongold: Wastewater/Sewer Committee?

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

President Pro Tem Mongold: Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We actually show two items tonight, Madame Chairman. The first item has been postponed until the July 1 meeting and that is in regards to the Safe Routes to School. The map has been moved onto Planning Commission for their review. So, we look forward to their response in regards to that. It is not on this list, but I believe there will be a Judiciary Committee also next week on the 24th. We'll get that information out. The second item is a third reading on a resolution for the CDBG grant on the public meeting that we just finished.

A motion was made by Jaehnig and seconded by McKay to give the third reading only on the resolution Authorizing the Submittal of an Application for the FY 2010 Small Cities Community Development block Grant (CDBG) Formula Program and Declaring an Emergency, by title only.

Motion passed

Director of Law read resolution by title only.

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

President Pro Tem of Council declared Res. No. 2201 passed as read.

Councilman Jaehnig: That is all we have, Madame Chairman.

President Pro Tem Mongold: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President Pro Tem Mongold: Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – After our spirited discussion last meeting, I think we have seen some improvement in communication. I have been receiving things from Steve Brown and hopefully, even though they may not like the result, all of the merchants do have a better idea of where the construction is supposed to be on a certain day. I think that part of it is going better. That is all I have.

President Pro Tem Mongold: There is a concert tomorrow night, too.

Councilman McKay: Absolutely. Thank you.

President Pro Tem Mongold: In the mural lot.

Councilman McKay: The Third Friday concert. I believe it is Red, White and Bluegrass. I hope everybody can attend. It will be a bluegrass blast.

President Pro Tem Mongold: Parks & Recreation.

Councilman Jaehnig: We have nobody from the committee.

Parks and Recreation Committee – In the absence of Convener Mike Wallace, there was no report.

President Pro Tem Mongold: Service Director?

Service Director- Service Director Larry Reinsmith: Well, I guess I could just reiterate. We have all of the main drags torn up. They have a lot of people working in a lot of different places. I think it is progressing really well now. All of these crews are doing the flat work. We're flying with all of these concrete walks and we're pouring curb on South Street and Xenia Avenue. We're pouring on West Main. It is a little slow on Nelson Road, but they are just about done with all of the curb out on Nelson. We'll be paving that pretty soon – probably in the next couple three weeks.

Councilman Jaehnig: I see that now they are working on the sidewalks downtown again. Are they going to tear them out and immediately start laying downtown?

Larry Reinsmith: I can't tell you that.

Councilman Jaehnig: We need to put pressure on them. It seems to me that it is simple logic. You tear out one side and then you tear out the other and then they come out and tear up downtown so that they can start to place sidewalks right back downtown again. If the continual thought process that you start from one end and you tear all of the way through until you get down to the other end, while that may be the simplest, it is not the most expedient for repairing the downtown or keeping it open for business for the longest period. I would hate to think that they are going to come through, tear up all those sidewalks downtown like they did on the north side and then just leave that area for two to three weeks again before they start pouring sidewalk.

Larry Reinsmith: The one thing on the other side there where the Murphy is, they're not going to tear a lot of the sidewalk out, you know...

Councilman Jaehnig: Correct.

Larry Reinsmith: ...because the basement is so long, they're only going to come in 18 inches. It will be passable. The corners are all coming out and they'll be redoing those. But, they have been told that we want them done faster. The courthouse is not being ripped out because it was just replaced not too long ago. So that whole block there will be unscathed. I think that side is going to go a lot faster and a lot better.

Councilman Jaehnig: Thank you.

Councilman McKay: I haven't seen a lot of the "No Parking" police signs. I haven't seen a lot of barrels. I really think they took...

Larry Reinsmith: They're moving them around a lot. It takes manpower to move them in and out and have the acceleration lanes and all that planned out, but I think they are conscientious of our...

Councilman McKay: They heard what we said.

Larry Reinsmith: ...and they are good. These are two different projects. The South Street Project, they are flying on that project.

Councilman Jaehnig: Yes, they do seem to be moving very fast.

Larry Reinsmith: I mean, they were pouring curb on one side and they were digging out on the other side. They were passing each other.

Councilman McKay: I had a question from a merchant today who asked about working at night. I know they had not planned on doing any of the sidewalk work or any of that type of thing at night. But have they not planned to do the blacktopping work at night?

Larry Reinsmith: Yes. We met with them. The mayor and a couple of other guys met with the ODOT people and a contractor last Monday, I think. Yes, they are going to do the milling and the paving at night – 7 to 7. They said it does bother people. All of those trucks have the warning signals on them, you know, the "beep, beep, beep," but that's not a real bad nuisance. You only hear it for a little while. Probably, they'll do the full-depth repair during the day. They have some bad areas that they will be digging. The concrete work, they just really couldn't do it...you know, you've got to be able to see what you're doing and get the support from the concrete plant. They don't own that. They do own the asphalt plant, but...

Councilman McKay: They can get asphalt?

Larry Reinsmith: Sure. They would love to be working out there in, what is it, 90 degrees out there? Concrete sets up pretty fast, though. That's the good thing about it.

Councilman Jaehnig: That's good news.

Larry Reinsmith: I think in another month, a lot of it is going to be wrapped up.

Councilman Jaehnig: Thank you.

Councilman McKay: I agree with Rob, that we need to reiterate, if there is any way possible, they need to get in and get out of the downtown. And I know they tried to do that last time.

Larry Reinsmith: I mean, they just find so many things when you get under there. We've got current street light wiring below the sidewalk, abandoned street light wiring...they don't what...they start digging in there and get this and get that. They have a lot of roof leaders coming out of there, water lines, gas lines, sewer lines, and lines they don't know what they are.

President Pro Tem Mongold: It sure looks nice what they've finished. Safety Director?

Safety Director – Safety Director Nick Babb: We have a Safety Committee meeting the 23rd at 5:30, I believe. Union Township Fire Contract is the only item I know right now that is on the agenda. Am I right on that, Laura?

Clerk Laura Curliss: Yes, Sir.

Nick Babb: That is all I have.

President Pro Tem Mongold: Thank you.

Reports:

A motion was made by McKay and seconded by Jaehnig to approve the Auditor-Treasurer's Report – May 2010, as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: Do any councilmen or does any member of the audience have anything to say. Please step to the podium and state your name and address.

Paul Hunter: I prepared a magnificent speech for tonight, but with the paucity of audience, I feel that I will save it for a more opportune time. I would like to point out that there are some grievance people, people who have been robbed of their property value in the audience tonight. If they would, hold up their hands. They would like to talk to any councilmen who are interested after the meeting. I don't want to have to bring them back here again. I was approached by another couple that back in 2008 came before council with the same general complaints on Bernice Avenue. I ran into them the other day and the condition is worse than it was in 2008. They gave up. They have given up contacting anybody because nothing is happening.

Councilman McKay: Paul, do these folks all live in the same area.

Paul Hunter: These folks are in Lytle Place that I mentioned the last time I was here.

Councilman McKay: I drove by there the other day.

Paul Hunter: You can talk to them afterward. They don't want to...

Councilman McKay: Thank you for coming and feel free to attend our next Judiciary Committee

[Inaudible for Transcription because of cellular phone noise]

Councilman Jaehnig: ... I'm sorry I don't have it in front of me.

Clerk Laura Curliss: It is the 24th. I will tell you after this meeting, Dick, because I don't have my calendar.

Scott Kirchner: 245 S. Mulberry. I wanted to come tonight first and foremost to say very publically that I appreciate very much the fire services that we have in this city. I always have and continue to, as well as the police force. But, this week, I was visited with the opportunity at one of my rental properties where a child with a lighter managed to ignite the property. Fortunately, all individuals got out of the home safe. 9-1-1 was called. The Fire Department, of course, arrived as quickly as they could and did an excellent job of extinguishing the fire, making sure all was safe, and communicated to me, on scene, calling me, when the lieutenant gave my number on my cell phone, to update me on the exact situation. I can't say enough about the risk and the harm that they can put themselves into in these situations and how much I appreciate their service to the city. So, I want to come and say a public thank you for the service that they give, because it

made a difference – a huge difference – to that structure and to the lives that were involved. So, it was appreciated.

Scott Kirchner: It also brings me to another point, and I don't want to diminish that service with this point. I want to be clear that this is a separate point. When the 9-1-1 call went in, I had the good fortune, and all involved had the good fortune, that those firefighters were not on another call, because had they been on another call, the structure was only moments from it getting into the attic and being a complete engulfed building and a complete loss. I bring that up because I know that we have as a city decided to try and balance our budget with the removal of all of our flexible force intermittent firefighters and with the removal of four firefighters from full-time duty. I would ask, Councilman Jaehnig, as the Safety Committee chair, have we had any review of the implementation of that policy and its potential effect to the ability to serve the safety needs of the citizens since its implementation? What is our plan going forward to monitor that? Because one car accident would have meant the loss of a structure here and potentially lost life. So, are we monitoring that risk on an ongoing basis to determine if that method of balancing the budget or attempting to get toward balancing the budget was effective?

Councilman Jaehnig: Correct me if I am wrong, Nick, but my understanding, number one it was an administrative decision, it wasn't an action that council had taken, but our current staffing can handle more than one call at a time. Am I incorrect about that?

Safety Director: Well, it depends on what the call is. Yes, we have five full-time firemen. Scott, we actually lost one full-time fireman per shift, okay? Now, we lost 11 intermittents, not really at the city's choosing. We had, by union contract...we asked the union to forego that so that we could leave the 11 intermittents on staffing and they refused.

Scott Kirchner: I understand. By the way, for clarification, I said we as a city made the choice. I didn't say council did. If you would like to push it to the mayor as a responsibility, that is fine. This council...

Councilman Jaehnig: No, you used the term policy and that is all...

Scott Kirchner: ...This council and this administration as a whole is the representation of the leadership of this city, so that policy stands here as far as I understand. To my knowledge, the Safety Committee has not introduced a move to get those firefighters back on. I do understand the point...a car accident with a fire would have drawn out that force, correct?

Nick Babb: Probably.

Scott Kirchner: And our flexibility, with additional resources to back them up lost in the intermittent firefighters and the four additional full-time firefighters, would not have been there. That is my concern. Last fall, I came before council with ideas on ways to cut administrative positions that had been expanded under this mayor and avoid affecting safety services, and I continue to have that concern. I also know that with those four firefighters and the intermittent force, the entire intermittent force, to my knowledge with still have a very large budget hole. If I am reading this correctly, and Geoffrey, please let me know if I am wrong, in this past month we have seen the General Fund drop by a half million dollars.

Geoffrey Phillips: Correct.

Scott Kirchner: I am very concerned because we are still in deficit spending and don't have jobs returning. How many more safety services will be cut and how much risk do we have to take upon the citizens with those cuts? That would be what I would leave. I realize that council has a lot to deal with in their budgetary issues, but I would be a strong advocate that safety services is by no means the place to initiate the cutting when we have so much administrative overhead. Thank you.

Paul Hunter: I have a question related – does that affect our insurance ranking or rating?

Safety Director: No. That goes by facility and equipment and we have an excellent rating on that.

President Pro Tem Mongold asked if anybody else from the public or the council wished to address council while in session.

Bob Mead: I have a question. Is there anything happening with our house on Main Street that is caving in?

Councilman Jaehnig: Yes.

Clerk Laura Curliss: It's coming down.

President Pro Tem Mongold: It is in your packet. There is a list of what is going to be taken care of this month.

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Monday, June 21, 2010, with President Pro Tem Sandy Mongold presiding.

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

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

Finance Committee

A motion was made by Mongold and seconded by Peterson 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; Peterson, yes; Wallace, yes; Mead, yes; Mongold, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4918 passed as read.

President Pro Tem Mongold: The second item is an ordinance making supplemental appropriations. Are there any questions before we proceed?

A motion was made by Peterson and seconded by Jaehnig 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; Peterson, yes; Wallace, yes; Mead, yes; Mongold, 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; Mead, yes; Mongold, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 4919 passed as read.

President Pro Tem Mongold 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, July 1, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, absent; Wells, present; Peterson, absent; Wallace, present; Mead, 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 members. Motion passed.
Absent members excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by McKay and seconded by Mead to approve the minutes of the last regular meeting, June 17, as received. Motion passed.
Minutes approved as received.

A motion was made by Wells and seconded by Wallace to approve the minutes of the last special meeting, June 21, as received. Motion passed.
Minutes approved as received.

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

Mayor – Mayor Raizk: Thank you, Mr. President. Not too much tonight, other than a little reflection on the past storm that we had. We had a lot of rain in a very, very short period of time. It was well over four inches. Obviously, we've got big hole in one of our places down there. I would like to publically thank all of our crews that helped out to try to remedy what could have been a very, very unsafe and disastrous situation. It worked out and we're moving ahead. That is, at least it is being made safe as far as the street goes right now. We should be opening up the other lane there on Locust as soon as we can. At least we do have traffic flowing and have remedied the unsafe condition. There will still be a lot of work going on there at Swindler's. Obviously, they have a big job. So, if you see the hole getting bigger, you'll know why. On their part, they have a lot to do to rebuild that culvert through there. Anyway, this is just a shout-out to everybody that helped. It was tremendous. Even our contractors over on Nelson Road came to our rescue and brought the track-hoe over for a few hours so we could try to make it safe there. So, we also want to thank Melvin Paving. Last time, I spoke with Councilman Wells, as we have been getting a lot of questions and so forth about our grant for recycling. Don Maher and Braden are going to come up to our next council meeting and give us a little report. We are looking at the trucks right now. These trucks are few and far between, but Donnie just located a community in North Carolina that bought three or four of these trucks and they have gone out of their program. The trucks are barely used and it would be a good situation for us. He is going to try to find some way to check them out and we hope by next council meeting to have a report on that, what our timeline is, and be able to answer some questions. We would also like to recognize Braden for his hard work in getting that grant. We should have them at next council. That is all I have.

President Ertel: Okay. 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 – Auditor David Hollingsworth: Nothing to report on, but I will be putting together a six month statement on the general fund here shortly to see where we are at.

President Ertel: Very good. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We do have several items. Once he gets that report together, the Finance Committee will be meeting. The first item we have tonight is an ordinance making Miscellaneous Transfers. Are there any questions?

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

Motion passed

Director of Law read ordinance by title only.

Councilwoman Mongold: I don't believe we have enough here tonight to suspend the rules.

President Ertel: That is correct.

Councilwoman Mongold: I guess my question, Mary Kay or David, is do we need to have a special meeting for any of the finance items?

David Hollingsworth: They can wait until the next regular meeting.

Councilwoman Mongold: All of them?

David Hollingsworth: Yes.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: The next item tonight is an ordinance making supplemental appropriations. Are there any questions?

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.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: We have a first reading on a resolution authorizing payment of expenses incurred in the prior fiscal year.

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.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: The fourth item tonight is a resolution estimating the amount of inactive monies and date of meeting for designation of depositories. This is to allow the treasurer to bid out where we are going to invest all of our money.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Estimating the Amount of Inactive Monies and Date of Meeting for Designation of Depositories.

Motion passed

Director of Law read resolution by title only.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: The next item is an ordinance providing for the issuance and sale of various purpose notes in the principal amount of \$1,215,000. Are there any questions? Do you need an explanation?

Councilman Wallace: Yes, I would like an explanation.

Councilwoman Mongold: Okay. We have two notes currently: one for Lowes/Davids Drive and one for the vertical expansion. We are going to be paying down on each of them: \$100,000 on the Lowes/Davids Drive and \$315,000 on the other. What we are going to do is combine the two notes into one and it will be at 2.95%. That way, we don't incur costs on rolling over both notes the next time. Okay?

Councilman Wallace: Okay.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Providing for the Issuance and Sale of Various Purpose Notes in the Principal Amount of \$1,215,000 in Anticipation of the Issuance of Bonds, for the Purpose of Paying at Maturity Notes Heretofore Issued to Pay Part of the Costs of Constructing (I) Lowes Road and Related Improvements, (II) An Extension to Davids Drive, and (III) Vertical Expansion of the City's Landfill, Paying Related Lawful Costs, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: That is all we have tonight. Thank you.

President Ertel: Okay. Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have no report. We do have a meeting set for next Thursday at 5:00 p.m. That is all we have.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: In Cindy's absence, we have no report tonight; however, we are having a Streets Committee meeting on July 8 at 4 p.m. I anticipate that a young couple from Meadow Ridge Circle will be there to speak that evening of a problem they are having at Timber Glen. I talked to Larry a little bit about it. We hope to discuss that at that meeting. That is all we have, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling Committee?

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

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary?

Judiciary Committee: In the absence of Chairperson Rob Jaehnig, Councilman McKay: In Rob's absence tonight and I am the only member of Judiciary here. For that reason and for the fact that there are still some concerns about this ordinance that we are proposing, we would like to ask that we postpone that reading tonight. We will be having a Judiciary meeting on Thursday at 6:00 p.m. It is open-ended, so we can spend as long as we need on that. But, I will ask that we postpone this.

Councilwoman Mongold: Part of that meeting is Finance too.

Councilman McKay: So, it may be a little longer. We should have sufficient time to hopefully air out additional concerns and bring it back for possibly the second and third at the next meeting.

President Ertel: Very good. Thank you. Safety Committee?

Safety Committee- In the absence of Chairperson Rob Jaehnig, Councilman Mead: In the absence of Mr. Jaehnig, the Safety Committee has one item on the agenda. This is the first reading on an ordinance authorizing the mayor to enter into an agreement with the Board of Trustees of Union Township for the provision of fire and emergency medical services for the period of July 1, 2011 to June 30, 2016. This is basically a continuation of our present contract with Union Township, as we have had for many years. It is paid for by the monies that they collect on their fire levy, so it is not additional money out of our pocket. The Mayor and the Safety Committee are in favor of it and have approved.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Union Township for the Provision of Fire and Emergency Medical Services for the Period of July 1, 2011 – June 30, 2016.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Wallace: Can I ask a question on that?

President Ertel: Sure.

Mayor Raizk: Yes.

Councilman Wallace: In light of what we are forced to do in our economic situation right now, how much strain does it put on our people, above and beyond? You know what I'm saying, because now we are servicing other areas besides what we have here.

Mayor Raizk: Well, I don't think you really can say that, because a significant part of our budget is what we're servicing in there. We have been doing it for a long time and we are recompensed for that money. Without doing that, we couldn't staff the department where we are now. It's a significant portion of the Fire Department budget. Plus some of the equipment that we have and purchases are primarily for servicing Union Township. It has always been an entrepreneurial effort.

President Ertel: Very good. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – We really have no legislation, but I would just like to say we are moving right along on the downtown construction. I kind of feel like perhaps we are over the hump from the original shock that everyone was going through. I think we're getting a lot better communication. We are told that things should get about wrapped up in a month, so we are looking to better days and a lot prettier downtown. That is all I have.

President Ertel: Thank you. Parks & Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace: Well, our parks are full of people, that is for sure. I think Scott does a great job with his staff and his resources. He keeps us staying hopping out there. We really have no report, other than just to commend our people. With the resources we are able to give, I think they do a great job in keeping our parks up and working. I appreciate all that they doing.

Councilman McKay: If I could maybe dovetail on that a little bit, Mike. I know there was a huge tournament out there this weekend. There were numerous teams, not only in our park but several other locations in town. I have to think that that brought a lot of economies to town, not only hotels, but eateries.

Councilman Wallace: That is at least the third major tournament we have had out there this summer.

Mayor Raizk: I think there were in excess of 80 teams. Was that right?

Councilman McKay: It was amazing. I am not sure if they got rained out on Sunday, but they were playing in the morning.

President Ertel: Very good. Thank you. Service Director?

Service Director- In the absence Service Director Larry Reinsmith, Mayor Raizk: The Service Director is not here. Just one quick thing: many of you have seen, they have been paving on Nelson. I took a drive there at about 1:00 today just to kind of see. Both lanes are open, at least on the southern end and the northern end. The in-between piece, they were working on laying down pavement. Hopefully, our goal was to get a majority of that done by Fair time because that is primarily the main entrance to the Fair, and they should be okay to do that. Anyway, they are starting to move right along. We should have all of the paving done. Other than the top coat, there is still some dirt work to do and so forth. So, we don't want to put the final finish coat on until we're ready. It should be done here very shortly.

President Ertel: Thank you. Safety Director? Nick?

Safety Director – Safety Director Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by McKay to approve the Income Tax Report – June 2010, 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. I was going to make this presentation at the last meeting, but there was hardly anybody here, so I waited until this time. Lucky you guys. This is getting tiresome, I realize. I am as tired of bringing it up, almost, as anybody else. As long as I'm permitted to sit here and orate, I will continue to do this on this issue.

President Ertel: Well, we can change that.

[Laughter]

Paul Hunter: Well, you do have that option. because Laura pointed that out to me once... "We don't have to let you talk."

President Ertel: Go ahead, Paul.

Paul Hunter: In June 2008, council passed an additional ordinance in an attempt to control junk cars. In November of that year, a public hearing was held concerning this same subject. At that hearing, a Highland Addition couple complained that they had asked for the city's help in ridding their neighborhood of junk cars and trash. Legislation was introduced to amend the junk car ordinance at that meeting. Last week, actually two weeks ago now, this same couple informed me that this situation had only gotten worse, but they were tired of making complaints with no resolution, so why bother. "You can't

fight City Hall,” and all of those idioms. I am convinced by my reassertions of zoning issues, working with the Board of Zoning Appeals and the enforcement department, that until the administration decides to enforce code compliance, many violations will continue unabated. The record indicates that all of the ordinance re-writes, excuses and tweaking will not alter this simple fact. In a related matter that has to do with the handout I made, the obvious code violation in that particular – that’s one of many code violations – of intentional non-enforcement by the very department that was created and generously funded by Council to enforce those codes. In this example and many others, not even a simple warning letter was sent to the violator. The word was, as you will see on the bottom of that, “I’m not going to enforce it.” That and many other things. In my mind, they could have sent a warning letter to that party or all of the other violators, rather than just walking away from the issue. A simple warning letter is not very complex. A letter to the responsible party reminding them that the violation must be abated within 30 days. The letter would include information that each day the violation exists, the 30-day deadline constitutes a separate charge of a misdemeanor in the 4th degree, each charge could cost as much as \$250. That would be a pretty good shot across the bow, if that was put in simple terms to these violators, to me. In almost all cases, a warning letter such as this would be sufficient to prompt corrective action. Initial contact could be accomplished by the department’s administrative assistant, with very little time investment by the busy code official. All of the information included in the suggested warning letter is already in the ordinances... you just have to put it together into a nice letter. Of course, Council can’t force the administration to enforce the code or any other law, but Council does have the purse strings. They can deny or reduce funding to nonperforming departments, if we ever go to that point, which I don’t think we ever will. The mayor has been made aware of my concerns but has decided not to conversation about it. I will point out that there are some victims of this property value robbery in the audience. They can hold up their hand and you can talk with them. That is the couple that came two years ago and were assured that the new ordinance’s tweaking would fix their problem. What we see is no resolution and citizen fatigue with the process. Thank you very much.

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

Councilman Mead: I just want to make a comment. I read in the paper, and this goes along with the revitalization stuff, one of the downtown businesses was talking about their business was down \$1600 and they blamed it on the sidewalks. I just want to say that I have a very similar business and mine is down \$3000 and I don’t have any sidewalk repair. So, I think the economy is catching up with us. We have to take that into consideration. I don’t think we can blame it all on the sidewalks. 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.

President Ertel: Would you like to speak?

Polly Stanforth: Yes I would. 620 Bernice Street. I called Ernie Blankenship about two years ago about junk vehicles next door. He told me that they gave 72 hours to clean up the mess or they would have them towed away. I kept talking to him and time went on. I bet six months went by, and he said that they sent the letter – they had 72 hours. But then he turned around and said that he found something in some law that said if you throw a tarp over it, it is okay. So, now we are sitting with two junk vehicles beside us in the back yard, plus who knows what else and snakes crawling through our yard. So, what is going to be done?

Mayor Raizk: We’ll take a look at it.

Polly Stanforth: Do you want to look at this? Do you remember us talking about all of this.

Mayor Raizk: Yes.

Polly Stanforth: And everyone kept putting me off and making excuses. Now we have snakes. They can't cut the grass. They use a weed-eater when they do that. It's embarrassing. It's like living in the 'hood.

Mayor Raizk: So this is the same property?

Polly Stanforth: Yes.

Paul Hunter: Those are the minutes from that meeting that I sent to you guys in reference to this.

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

Councilman McKay: I would just comment that the Judiciary Committee has met in regards to some of these items, and we are in the process of working through the Law Director and other folks to try to come up with some legislation that is more enforceable than currently what we have now. We are not sitting on anything.

Paul Hunter: I understand. I've been to the meetings.

Councilman McKay: Were you at the last meeting?

Paul Hunter: No, I figured I had said all that I could say.

Councilman McKay: Well, Mr. Jaehnig is not with us tonight, but he is spearheading that. Yes, ma'am?

Polly Stanforth: I just don't know how he could say 72 hours and then he turns around after he makes excuses for six months or a year and then he says that he is sorry but there is something in the law that says throw a tarp on it and I can't do anything about it. That is like a lie to me. I'm sorry. That's a lie.

Unidentified male speaker: It's a problem all over town. It's not just on Bernice Street. It's on Darbyshire; it's all over town.

Polly Stanforth: It's really bad next door to us.

Councilman Wallace: We're all frustrated with it. We're trying to find a way to get it so that everybody...because there are about three or four different phases here, and about the time we think we've got it solved, one of the phases of the system says it won't work. So, I don't know where we are, but we are trying to work through this process.

Paul Hunter: It's been two years.

Polly Stanforth: Yes...it's been over two years and [Inaudible for Transcription].

Unidentified male speaker: I think they have existing laws that work. It's following through with those laws all the way to the end until the guy stands there and gets his pocketbook out.

Paul Hunter: A couple of real easy cases...I mean...obvious cases. We might spend a little money, but go through the court process. That's what we are trying...we're trying to work a way so we don't have to do the court process as much...or a better way of enforcing it. But it's already on the books. The ordinances say it will be done. When the code enforcement official tells me "I'm not going to enforce the ordinances," it's not even to that point. We haven't gotten to the ordinances or to the Law Director. It's "I'm not going to enforce this ordinance, or that ordinance or this other ordinance."

President Ertel: Yes, ma'am?

Paul Hunter: I'm not going to worry about it. Thank you.

Polly Stanforth: I'm sorry. I'm not meaning to be a griper, but how can someone promise me and then lie? Because to me, that is a lie. He changed his story.

President Ertel: I understand.

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 Mongold to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, July 15, 2010, with President Fred Ertel presiding.

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

Duane Weyand was also present.

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

Council gave the Pledge of Allegiance to the flag.

President Ertel: Before you, you have the minutes from the July 1 meeting. What's your pleasure, please.

Councilman Wells: Mr. President, I have one change. On page 3, under Streets Committee, where it says Meadow Ridge Drive, it should say Meadow Ridge Circle. That's all.

A motion was made by Wells and seconded by McKay to amend the minutes.
Motion passed.
Minutes amended.

A motion was made by McKay and seconded by Wells to approve the minutes of the last regular meeting, July 1, as amended.
Motion passed.
Minutes approved as amended.

President of Council – Fred Ertel: At this time, I would like to have Lori Williams come up about the Clinton County Community Fellow Program, please.

Lori Williams: Thank you for the invitation to share a little bit about the program. Hopefully, you have been following us on the clintoncommunityfellows.org blog, which is where we are sharing with everybody the excitement and the progress of this program. We now have four college students... come on up, because you need to see them. You'll be seeing them around a lot. We have Chase Yeakley, Kelsey Swindler, Chas Wiederhold, and Joe Zaycosky. This is really the dream team. These are top-notch students who have made a commitment to come back to Wilmington for the summer. They are now partnered with businesses. Each of them have at least two business partners and then they are doing a couple of team projects. They are into the fifth week now, and I think it is fair to say it has been a good experience so far. They are doing checkpoints every Friday at 3:00 in the Regional Planning Commission Office. So, if anybody would like to come and hear details about what is going on. I don't know if we have planned for any details tonight. Should I ask those questions? Would you like to know about their business partners or any details?

President Ertel: A snapshot would be just fine.

Lori Williams: Well, I am going to let them give a snapshot of what they are partnering with. I just want to mention that this program is a partnership between the Regional Planning Commission, Energize Clinton County, and Leadership Clinton, as well as the Chamber. They are actually housed in the Chamber building right now, so that has worked out very well. So, they are really are involved in the heart of what is going on downtown. They have found that they really like to walk to every place they have to go. It has been a good experience for them. They're college students. They're used to walking. Funding was received by the Cornerstone Foundation also. There was some funding through the Clinton Foundation, so that is how we were able to do what we are doing. We look forward to really making this a program that we can sustain year after

year. Maybe we will get to the point where we want to do it year-round. That would be great. I'm going to let them mention a little bit about what their products are and also maybe some of the not-for-profit activities too.

Chase: Hi, I am Chase Yeakley. I will be a Junior in the fall at Miami University. Just to kind of give a quick overview of the program. We all have a handful of business matches that we work with individually, as well as two team matches that we are contributing to big projects there. Then ten hours of each week are dedicated to not-for-profit work as well. Personally, I am working with Janet's Hallmark or Janet's Our Store, as they make that transition. I am also working with Peppermint Patties, the new ice cream parlor, and a For a Song and a Story. It is kind of a combination of some internal operation stuff at For a Song and a Story as well as external stuff with Peppermint Patties and Janet's Hallmark trying to get them online and trying to get everybody in the community informed of them. Reaching out what we can into making regional jobs for those things as well.

Kelsey Swindler: I'm Kelsey Swindler, and I will be a junior at Wittenberg University, where I major in English. My individual projects are Jen's Deli and Orange Frazer Press. With both, I have been working on social media marketing and creating a strategy for on-line presence. Our two team projects are Books 'N' More and The General Denver, and I am the lead for the General Denver project.

Chas Wiederhold: I'm Chas Wiederhold. I will be a second-year architecture student at the University of Cincinnati in the fall. My individual project is South Street Gallery. At the South Street Gallery, I am working on establishing a Wilmington Community Arts Collaborative, which will be a group that is responsible for having a year-round and seasonal art gallery inside South Street Gallery, just right next door. So, we will be opening up our first gallery show the first week of August, and this will be a group in the community that also works to promote the arts and establish Wilmington as an arts community, because there is a lot of artistic talent in the community that is just not connected right now. My other individual projects for nonprofit: I am working with the Clinton County Youth Council on their 2010 campaign, producing marketing material for them, as well as the Lytle Creek Greenway. I am working on developing a kiosk structure for them and doing a lot of design work for Energize Clinton County. We have a group project for Books 'N' More, doing a lot of work for producing new signage for the front of the building and also doing a lot of work on their interior layout. So, we are working on the organization of the store on the inside and then the curb appeal on the outside.

Joe Zaycosky. My name is Joe Zaycosky and this September I will be starting my third year at The Ohio State University. I am in operations management and a marketing manager at the Fisher College of Business. I am working with Littleton's Respiratory Care. They wanted to start selling scrubs, so I have been doing market research for them, researching some sourcing opportunities. I have also been working with Clinton Memorial Hospital, generating content for their website in regards to quality and process improvement. I have also worked with Rails to Trails, Energize Clinton County, out at Lytle Creek Greenway with Chas, shoveling mulch. I look forward to the next five weeks.

Lori Williams: Are there any questions or anything. Well, thank you for the opportunity and hopefully we'll...

President Ertel: Certainly. I think it is wonderful. Mr. Mayor?

Mayor Raizk: I just want to say I think this is an outstanding program, getting the best and the brightest to come back to our community. They grew up here and they are also contributing back. This is what Wilmington is all about or should be all about. Lori, I agree, I would love to be able to get this program full time – year round. Whatever we can do to try to make that happen, we are going to try to do that. It is just outstanding. I've seen little snippets of the some of the things you've been doing. I know it is exemplary and I can't wait until the projects come to full fruition. Thank you all for being here. It's great.

[Applause and general comments]

President Ertel: Very good. At this time, discussion of the recycling grant.

Clerk Laura Curliss: Don Maher and Braden Dunham are here.

Mayor Raizk: If you want to come on up and introduce Braden, please.

Don Maher: I'm Don Maher, Superintendent of Sanitation. This is Braden Dunham who works in the office. We applied for a recycling grant in the first part of the year. We received that grant. We now have the money in hand. We're proceeding forward with looking at a truck and buying the recycling bins. So, we are moving forward with the program. We are currently at 13% participation, and we are in hopes that this will go to 25% very, very quickly. In order to get this grant, I have to take my hat off to Braden. He's done it all. In 2009, we applied for the grant. We did not receive it. We did a little bit of research. We felt that we could do a little better in 2010, which we did. Braden spent a lot of time, a lot of his own personal time. He did a lot of research – more than I would have ever done. We got the grant because of Braden, and he needs the credit for it.

[Applause]

Don Maher: That's about all I have.

Paul Hunter: When do you expect to start rolling? Do you have any idea?

Don Maher: We're shooting for about the middle of September. I was hoping September 1.

Paul Hunter: So, we'll use bags until then.

Don Maher: Yes. We're working on how we will distribute the bins right now. We have quotes on trucks. One truck is pretty well decided on, I think. We are still getting quotes on the bins. That's still up in the air.

Paul Hunter: Will we haul our own stuff up to the MRF?

Don Maher: The truck we're looking at right now has the capabilities of doing that. That will turn, possibly get some revenues out of our recyclables, if we haul to the MRF.

Paul Hunter: We won't have to pay for processing at the MRF?

Don Maher: It's still in the air. Everything is possible.

Don Wells: On behalf of the citizens, I would like to say thank you very much for what you have done.

[Applause]

Mayor Raizk: Braden and Donnie, the reason I asked you here is I felt you deserved the recognition. I wanted council to be able to see you and the things we do every day. Thank you for your extra work that is going above and beyond. I think it is important to note that we have a lot of employees out there like Braden who are doing this same type of thing. Duane is in the audience, and you know what he did – doing the same thing on some of the grants that he got. These are the kinds of employees we have. Thank you very much. We sure appreciate it. We are excited about it, and we're finally getting a truck. Oddly enough, the truck wasn't as easy as we thought. They were few and far between, especially in the price range we had designated. But we're working on that. If we can get it done by mid-September, I think that would be a good time to do it, and I think we'll be rolling along. So, keep on with your bags until we get to September. We've got a few bags, so keep the cards and letters coming. Thank you both very much.

President Ertel: Thank you. That completes my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: I think it almost completes my portion too. At your place tonight, you will notice a thing about Clinton Kids & Cops program as far as back-to-school supplies. This is something that we want to participate in. We will have a barrel downstairs. We are working with ODJFS to do this. There is a lot of need here, especially with school supplies. I just wanted to bring this to your attention. We're encouraging everybody to participate in that. I think that is pretty much everything, other than, the July 7 newspaper had a picture of an unknown person... a costumed parade participant.

[Laughter]

Mayor Raizk: We are diligently looking to find the identity of this person. I don't have a Facebook account, but maybe she does. If anybody can identify this person, in such lovely regalia, then please bring it to the attention of the police department. What do they call that... a person of interest?

[Laughter and banter]

Mayor Raizk: If any of you didn't have an opportunity, this was a fabulous parade. It was hotter than... well, it was very warm. They had a tremendous turnout. I really like what has been happening with the Bicentennial Commission, partnering with existing celebrations and then just adding that much more has made a really nice schedule of events. That is going to continue. I think the next big event is Sports Day.

Clerk Laura Curliss: Sports Day, August 14.

Mayor Raizk: August 14 on the courthouse lawn. So, we'll look to see everyone there. I think we're having a great 200th anniversary celebration and bicentennial. Don't we have something coming Friday night?

Councilman McKay: Yes we do. You're on the 7-9 shift, you and your wife.

Mayor Raizk: Okay.

Councilman McKay: I noticed that Laura picked up on that Blanchester Bicentennial thing and maybe that is another clue to the identity of...

President Ertel: I would like to make the comment... I've seen the dress before, but the hat throws me.

[Laughter]

President Ertel: Okay. Thank you Mr. Mayor. Going 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 – Auditor David Hollingsworth: Nothing to report tonight, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have a lot. We have several items that we need to take care of that were carried over from the last meeting. The first item 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; Peterson, yes; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4920 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; Peterson, yes; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4921 passed as read.

Councilwoman Mongold: The next item is an ordinance making supplemental appropriations. This is a carryover also from the last meeting.

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; Peterson, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4922 passed as read.

Councilwoman Mongold: The next item tonight, we have a list of 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 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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4923 passed as read.

Councilwoman Mongold: The next item is a carryover.

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 Payment of Expenses Incurred in Prior Fiscal Year, by title only.

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

Motion passed.

President of Council declared Res. No. 2202 passed as read.

Councilwoman Mongold: The next item is the second and third reading on a resolution estimating the amount of inactive monies and date of meeting for designation of depositories.

Councilwoman Peterson: Can you give me some background on this, please?

Councilwoman Mongold: Sure. We do this every year. This is just allowing Geoffrey to designate where our monies will be deposited.

Geoffrey Phillips: Every five years, Sandy.

Councilwoman Mongold: Every five years. I'm sorry.

Councilman McKay: Five years is a long time.

A motion was made by Mongold and seconded by Peterson to suspend the rules and give the second and third reading on the resolution Estimating the Amount of Inactive Monies and Date of Meeting for Designation of Depositories, by title only.

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

Motion passed.

President of Council declared Res. No. 2203 passed as read.

Councilwoman Mongold: The last item tonight, I'm not going to read the entire ordinance. This is to suspend the rules and regulations and give the second and third readings on an ordinance providing for the issuance and sale of various purpose notes in the principal amount of \$1,215,000.

A motion was made by Mongold and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Providing for the Issuance and Sale of Various Purpose Notes in the Principal Amount of \$1,215,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying at Maturity Notes Heretofore Issued to Pay Part of the Costs of Constructing (I) Lowes Road and Related Improvements, (II) An Extension to Davids Drive, and (III) Vertical Expansion of the City's Landfill, Paying Related Lawful Costs, and Declaring an Emergency, by title only.

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

Motion passed.

President of Council declared Ord. No. 4924 passed as read.

Councilwoman Mongold: At the last meeting, we had a request to provide a list of the general fund supplementals to date for 2010. We do have a list, and I have extra copies if anyone would like a copy. The grand total of the general fund supplementals to date is \$146,000. If you take out the amounts that are in there for income tax refunds and we have incurred a lot of expenses with the bargaining units for contract negotiations and grievances and then unemployment issues because of the lay-offs. If you take those items out, we would have only had supplementals of approximately \$5,000. If you do not have a copy of the list, I would be happy to provide you with one.

President Ertel: That's very, very good.

Councilwoman Mongold: That is all. Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Jaehnig: There is nothing.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have a meeting on August 3 at 5:30. We have at this point, two agenda items, downtown parking and then parking on Grant Street near Sugartree. Other than that, we have no legislation.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, before you tonight you should have a copy of the second quarter 2010 recycle report. If anybody didn't get one, I have extras. We are at 13.1%.

[Banter about recycling days percentages]

Councilman Wells: The only other item I have tonight, Mr. President, this very night 44 years ago, Barbara Jean Browning married Donald E. Wells right here at the Friends Church, so we're celebrating tonight.

[Applause]

Mayor Raizk: Now that's a dedicated council person to make sure we had enough to suspend the rules while Barbara is fuming at home.

[Banter about Don Well's anniversary]

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

President Ertel: Congratulations. Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: We have no legislation tonight, Mr. President.

President Ertel: Okay. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have a few items tonight, Mr. President. Tonight we are going to do the second and third readings on the Safe Routes to School. While there are a few issues that total agreement has not come to pass on, I am very pleased that we are the point that we are ready to move this forward. The committees that put this thing together – the school board, the regional planning commission, the planning commission has taken a look at it a couple of times – there has been a great deal of work in this. While there are a few questions hanging out there and things will come back before council again, you know, it is a very good report and it will definitely open some doors for us in the future, including getting sidewalks in many

areas of our communities where we don't currently have them. Those of you, you know who you are, who have worked on this plan. We thank you very much for all of your hard work.

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the resolution Approving the Final Safe routes to School engineering Study for that Part of the Wilmington City Schools District Within the City of Wilmington, as amended, by title only.

Roll call: Jaehnig, yes; Wells, no; Peterson, yes; Mead, no; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

Councilman Jaehnig: I would like to move for passage, please.

Councilwoman Peterson: Second.

Councilman Wells: You had better count the votes.

President Ertel: Roll call, please.

Councilman Wells: Mr. President?

President Ertel: Yes.

Councilman Wells: Do we have enough yeas to suspend the rules and do the third reading?

President Ertel: If I heard it right, it was 4 to 2.

Clerk Laura Curliss: Four to two, right.

Law Director Kathryn Hapner: You can have the reading, but you have to have five to pass.

President Ertel: That is correct. We can still have the reading.

Councilman Wells: Okay.

President Ertel: We may not be able to pass.

Law Director Hapner: Right.

Councilman Jaehnig: I make the motion for the second and third reading then? Is that what I'm doing?

Law Director Hapner: You already did that. You're moving for passage.

A motion was made by Jaehnig and seconded by Peterson to pass the resolution as read. Roll call: Jaehnig, yes; Wells, no; Peterson, yes; Mead, no; Mongold, no; McKay, yes.

Clerk Laura Curliss: So do we move third to next time?

Law Director Kathryn Hapner: It didn't pass, so...

Councilman Jaehnig: So, we're moving for the third reading on the next meeting. Is that correct?

Law Director Kathryn Hapner: Well, it did not pass.

President Ertel: It did not pass.

Clerk Laura Curliss: So, it doesn't pass.

President Ertel: Now it can be brought to the next meeting.

Law Director Kathryn Hapner: It will have to start over again.

Clerk Laura Curliss: No, you'll have to start with the first reading again.

President Ertel: Okay. Everything has to start over.

Councilman Jaehnig: The second item on our agenda is an ordinance authorizing the assignment of a note and mortgage to the Ohio Housing Finance Agency. We need three readings on this, please.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the ordinance Authorizing the Assignment of a Note and Mortgage to the Ohio Housing Finance Agency.

Motion passed

Director of Law read ordinance 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 ordinance by title only.

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

Director of Law read the ordinance by title only.

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

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

Director of Law read the ordinance by title only.

President Ertel: Would someone like to have passage on it?

Law Director Kathryn Hapner: Well, you asked for the first reading and I read it. So, then you have to ask for the second and third readings in title only.

Councilman Jaehnig: Which I did.

Law Director Kathryn Hapner: Did I read it three times?

Clerk Laura Curliss: I think so.

President Ertel: No. We just did that one and now we are ready for passage is my understanding.

Law Director Kathryn Hapner: That should have been the second reading.

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

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

Motion passed.

President of Council declared Ord. No. 4925 passed as read.

Councilman Jaehnig: The third item is three readings on a resolution authorizing a contract to extend legal services to indigent persons charged with violation of city ordinances and declaring an emergency. Is there any discussion?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing a Contract to Extend Legal Services to Indigent Persons Charged with Violation of City Ordinances; 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2204 passed as read.

President Ertel: Is there anything else?

Councilman Jaehnig: That is all we have for Judiciary Committee.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item, Mr. President. This is the second reading on an ordinance authorizing the mayor to enter into an agreement with the Board of Trustees of Union Township for fire and emergency medical services for a period starting July 1, 2011 through June 30, 2016.

A motion was made by Jaehnig and seconded by Peterson to give the second reading only on the ordinance Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Union Township for the Provision of Fire and Emergency Medical Services for the Period July 1, 2011 – June 30, 2016.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: That is all we have.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I would just like to reiterate as mentioned earlier that there will be a big party downtown tomorrow night in the mural parking lot, and we hope that everybody comes.

President Ertel: Very good. The weather is going to be great.

Councilman McKay: The mayor will be serving.

President Ertel: Okay. Is there anyone here from Parks & Recreation?

Clerk Laura Curliss: That's Mike's committee.

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilwoman Peterson: We have no report.

President Ertel: Thank you. Mr. Service Director?

Service Director - Service Director Larry Reinsmith: No real report, just all of our road projects continue on.

President Ertel: Is there anything more about the Swindler situation on Locust Street. Are we losing more land? Are we going to have to have an extended construction area there? What are your thoughts?

Service Director Reinsmith: No. They're going to dig it out. Our engineer, Ernie, has been down there. I think he has the drawings done. They're going to construct a box culvert that is about 40 feet long. I think it is going to take about 2-3 weeks to have it constructed and then it will be in place.

President Ertel: Okay. Will we have to lose the other lane or is the right hand lane the only one we will have in jeopardy right now, the left hand will be fine?

Service Director Reinsmith: Yes. As long as we don't lose the gas line, sidewalk and the 12-inch water line, we will be all right.

[Laughter]

Service Director Reinsmith: And then you know, we encountered a new sink hole going up the street yesterday. It was a hole about 12 inches in diameter. You look down it and you could see down about 3-4 feet and went over into the left lane 7 feet. We dug last night nine feet and we restored a storm sewer, but then we used the camera in the sanitary and we found a break in the lateral going over to a house there, so that was down about 11 feet that we dug today. We found sink holes over by the BP Station on Main Street and one over here on Mulberry Street. We're falling apart.

President Ertel: We're all going to end up in Lake Cowan is what you're trying to say.

[Laughter]

Mayor Raizk: Water has not been kind to us this year. We have had the extreme amount of rain. The rain that we have received and the volume in the short period of time have really done some things. I know, Gary, that you reported in the newspaper that on Monday the rain was two-point-something inches. I don't know where that came from, but we got 4 ½ inches in a little over three hours. That is why we have things...there is no way to size or do any kind of system when you get that kind of rainfall. There were areas where we haven't had any flooding or backup in for years (because of some of the maintenance programs that we've been doing) that did their thing. So, there is not much you can do about it. Mother Nature rules all.

Service Director Reinsmith: I have had a few complaints from residents that say...

Paul Hunter: ...[inaudible for transcription] the sewer system.

Service Director Reinsmith: ...I think my neighbor has done something, because I've never had this much water in backyard before. Well, we've just had four inches of rain in two hours...what do you expect?

Mayor Raizk: There's just no way to handle that. I don't know how much went past the plant that night, but I'm sure the EPA will tell very soon.

Service Director Reinsmith: Nelson Avenue is coming around. It is looking real good. We wanted to get that much done and then let the fair get over with. As soon as the fair is over, they will be in there to pour the sidewalk on the east side, and then backfill, and then they will come back and finish the top coat.

Mayor Raizk: It's starting to look nice already. One of the things tomorrow Larry, Ernie and I and a representative from the contractor and ODOT are going to be looking all over the project, kind of a punch list. We're calling it a walk-through, although Larry says we can't walk that far, so we've got to figure out some way to get around.

Service Director Reinsmith: Now the 68 job, it's really moving along. They are going to start next week doing the full-depth repair at night and patching.

Mayor Raizk: It is coming along pretty well.

Service Director Reinsmith: It will be on schedule and they are going to be moving on. In fact, I think they are going to work Saturday too.

Mayor Raizk: Our instructions have been when they ask "Can we work nights?" or "Can we work weekends," we say, "You can work 24 hours a day." No one is going to complain as long as you get it done. Anyway, we are going to walk and look at some trouble areas and make sure all of those things get repaired so before they leave here, it is looking the way we all expect it and want it to look.

President Ertel: Okay. Very good. Thank you. Safety Director?

Safety Director – In the absence of Safety Director Nick Babb, Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by McKay to approve the Auditor-Treasurer's Report – June 2010 and the Statement of Interest Earned for January – June 2010, 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.

Lori Williams: My name is Lori Williams. 271 Hiatt Avenue. I must plead ignorance, because I haven't followed the Safe Routes to School Process very closely. I am curious what "no" means at this point. Also, from the perspective of the people that voted "no," what were the issues? Are they resolvable at this point and in a timely manner? I assume that there are some deadlines that we are bumping up against.

President Ertel: Who would like to answer that question?

Lori Williams: I guess what I'm wondering is, are there technical issues with the engineering work?

Councilman Jaehnig: No. The questions as I understand them right now, and please feel free to correct me, is the order of the priorities listed. As a committee, the Judiciary Committee decided after the single change that was made (because of all of the hard work by the people that had put the plan together and the fact that the school board had blessed it, that the regional planning commission had blessed it, the city planning commission had blessed it), we would leave it as it was. That is the major outstanding issue to my knowledge. Is it something we can overcome? Yes.

Lori Williams: So, it is a matter of sequencing the priorities.

Councilman Jaehnig: Correct. For the two that voted no.

Councilwoman Peterson: I would like to hear from them because I am not certain if I...Bob, did you vote no for a reason?

Lori Williams: Yes. I would like to understand.

Councilman Mead: The reason that I voted "no" is because Safe Routes to School for me is for things like sidewalks and paint markings, crossing guards and various things like that to make it safer for our children to go to and from school. I am for Safe Routes to School. I am not against trails, but I don't think they belong in this document for Safe Routes to Schools. If we want to produce a document that promotes walking trails and bike trails, I think that's a wonderful idea, but I don't think that they are necessarily safe routes to school.

Councilwoman Peterson: So any document with a trail in it is a "no."

Councilman Mead: I don't think trails should be part of the Safe Routes to School.

Councilman Jaehnig: Bob, a question for you then. McDermott Village to the high school. What is your solution other than a trail, because I am not aware of any other solution.

Councilman Mead: Obviously, I haven't put as much time as the people you are talking about with all of their hard work, but I do not have a solution this evening other than sidewalks and proper signage and markings.

Councilman Jaehnig: The people of Denver Addition that were looking at getting new sidewalks, which you are supporting, would you like to address? You just voted “no” against their sidewalks.

Councilman Mead: We voted “no” against the document that was presented. We did not vote “no” against Safe Routes to School or against sidewalks or against crossing guards. We voted “no” that trails should not be in the document. Especially, holding a higher priority than sidewalks and other markings.

Councilman Wells: I voted “no” tonight because in the Third Ward, Nelson Avenue sidewalks project is priority 6 on the list. I believe we ought to have sidewalks before trails. Now, Larry informs me that we possibly might be able to get some sidewalks from Main Street to Warren Drive.

Service Director Reinsmith: Now that’s going to happen.

Councilman Wells: But the kids from the Town & Country Mobile Home Park, if they work down that far to Warren Drive, there are no sidewalks in Warren Knolls and there is no sidewalk up Nelson. I believe that we should have sidewalks first. I am not against trails. I love trails. I think they’re great. But as far as getting grant money and spending it, I believe we should finish the sidewalk projects first. Denver – I believe we should do all sidewalk projects first and then do the trails. I mean, I think trails are great. But, I don’t think they are safe for our kids to walk in a woods without street lights with coyotes and wild animals around. I just don’t think they are safe. Now if people want to use them for recreation, that is great. I am all in favor of promoting trails, but I don’t think that is part of the Safe Routes to School program and that is why I voted “no,” because of Nelson Ave. We did change the Truesdell Avenue sidewalk project to No. 2 on the priority list, which the Mayor and the Planning Commission did and I agree with that. I think that was good. So, that is my take on it.

Lori Williams: What was the number one priority?

Service Director Reinsmith: Denver.

[BREAK IN TRANSCRIPTION – END OF TAPE]

Councilman Jaehnig: ...I don’t know if you are ever going to produce a document that will put everybody’s top priority as number one. There are certain things that are more important to others and there are always things at a lower priority that groups of people will feel need to be on a higher priority. Is it doable? Yes, it is still doable. Will we take another push at it? Definitely, we will take another push at it. It is too important not to push this forward. The money for Safe Routes to School is out there. There are revenues that go unrequested every single year and that is why we have worked so hard and so many others have worked so hard to push forward on it. The unfortunate thing is, that even with this particular plan, if it had passed tonight, each individual grant, which still come back through committee, so that everybody would then have an opportunity to vote on whether that is the grant we put forward for application in that given year. So, too hold up the process of the plan moving forward because of priorities on it, when everybody will have an option to vote again, is disheartening. But it is what it is, and we will go back to work and we will find a way to resolve this situation.

Lori Williams: Well, I appreciate Rob. With your leadership Rob...

Councilman McKay: There were three “no” votes.

Councilman Jaehnig: There were three “no” votes.

Clerk Laura Curliss: Sandy, voted “no.”

Councilwoman Peterson: Oh, I’m sorry. We left you out. I didn’t hear...

Councilwoman Mongold: I would have to agree... I feel that the Safe School Routes plan is an excellent document. I totally am for the sidewalks and the crossing guards and so forth, but I just thought there was wording in there... because of some of the wording, I could not say "yes," and a lot of that deals with the implementation of the trails – of certain trails. I agree the one over in McDermott village is an excellent idea, but I look at that more as a sidewalk or a road passage than a trail going through McDermott Village going over to the high school.

Lori Williams: To get hung up on the name, I guess, is a concern, because you're right, sometimes it is functionally a trail and a sidewalk. I don't really know what the difference is. Rob, I appreciate your leadership on this, because obviously it is a good thing and it is an opportunity that you don't want to miss in terms of funding. And also, frankly, it looks really bad when something called "Safe Routes to School" gets voted down.

Councilwoman Mongold: I hope that we do get it resolved. It is an excellent plan.

Councilman Wells: I have to vote on what I'm looking at – on what is presented to me – not something that might happen in the future. So...

Councilman Mead: I have another comment also. This thing about being on the council and voting is a sacred right. You have to vote what you think is right and proper for the community. If each person votes what he feels is right, I think it is wrong to be scolded in the public forum for having voted the way he feels.

Lori Williams: I apologize if it came across as a scolding. I truly do, because I just, not having been involved in the process, didn't understand the background. And I guess as someone who votes, I feel like I should be able to understand who is representing me what their basis is for their votes. I guess you have to look at it as... it certainly is a solemn obligation, but it is going to be taken seriously as a representative.

President Ertel: Thank you so much.

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

Dick Unger: 1036 N. Lincoln Street. I would just like to reaffirm what Councilman Mead just said, that the people that voted "yea" or "nay" they voted for what they believed in, not what somebody said they would like to have or social pressure or whatever. I, too, believe that if you want trails, then let's have a trail issue. Let's don't mix trails and safe routes to school. In my opinion, trying to piggyback trails onto Safe Routes to School. It just really upsets me when I feel we're using children as a pawn to get a grant or anything that doesn't really boil down to that. That is all. 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 Wells and seconded by Mead to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, August 5, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Mead, 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 Mead to approve the minutes of the last regular meeting, July 15, 2010, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: That takes care of my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have an official report right now or anything, but I do want to call attention to the passing of Walt Ewing. Walt Ewing is what I consider a true American. He served his community, he served his country, and did many good things for this community. Many of them he did without fame or fortune – he just did them. He's the kind of gentleman that I, at least, aspire to be. I want to publically say my condolences to his family and everybody and all the people that he worked with. The last time I saw Walt, even at his age, he was a member of the American Legion Guard. He was out there on Memorial Day and he was out there at the July 3 parade, at the Bicentennial Blanchester parade in all of that heat, and yet he was there still doing it. That's the kind of spirit – I think he embodies the spirit of Wilmington. There is no finer gentleman, and I just wanted to say that. Thank you.

President Ertel: Very good. 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. I'm sure the Auditor has no report.

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item tonight for our Finance Committee 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

In the absence of the Director of Law, Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4926 passed as read.

Councilwoman Mongold: I would like to ask that item B be moved down in the agenda until down after the Judiciary report.

President Ertel: That will be fine.

Councilwoman Mongold: Item C is a resolution designating public depositories and awarding public monies. The depositories will be awarded by the treasurer by the 15th.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Designating Public Depositories and Awarding Public Monies.

Motion passed

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2205 passed as read.

President Ertel: The ordinance we discussed, B, will follow as the last part of the Judiciary before we get into Safety.

Councilwoman Mongold: Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have no report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have no report other than the fact that we do have a Streets Committee meeting on September 7 at 5:30. We have two agenda items at this point: a discussion on Grant Street parking and downtown parking.

President Ertel: Very good. Solid Waste/Recycling?

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

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: Chairperson Rob Jaehnig: We have three items tonight, Mr. President. The first item will be three readings. This is a yearly thing that we need to do in regards to our transportation department, or taxi service, to meet the guidelines for the federal support. This one has to do with the Elderly and Disabled Transit Fare Assistance Program.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the resolution Authorizing the Execution of a Contract with the Ohio Department of Transportation for the 2011 Elderly and Disabled Transit Fare Assistance Program and Declaring an Emergency.

Motion passed

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2206 passed as read.

Councilman Jaehnig: Thank you. Item B, the second item today, we are going to do a first reading on the revised Safe Routes to School plan. For those who were unable to attend Tuesday's meeting, we've made two adjustments to the current Safe Routes to School Plan. I just want to make sure that everybody is aware of what is going on. After the Planning Commission meeting in which the trails map and reference to that map were removed, there was also a suggestion given to the committee about moving the Truesdell sidewalk project up to the priority number two. At that particular time, the interpretation was that we would then domino-effect all of the other projects down one level. Upon further review and in talking with Planning Commission, it was determined that their intent in their suggestion was to actually just flip-flop them and take item number five, which was Truesdell, and move it up to number two, and take number two, which was Southridge/Timber Glen pathway connector, down to number five. So, we've made that change and moved it down instead of causing a domino effect. We have also added a statement of purpose. Since it is short, I'm going to take a moment and just read it:

***Statement of Purpose:** A path, connection, walkway or trail is a connection built not adjacent to the roadway. ODOT considers a successful Safe Routes to School Plan to incorporate various forms of "active transportation," transportation that is by a means other than motor vehicle or bus - this may include sidewalks, trails, bikeways, or other efforts to encourage or facilitate active transportation. While this plan promotes sidewalk construction as the primary safe route to school facilities, there are routes that could be best served by connections not along roadways.*

Future subdivisions and developments within the City should include sidewalks and/or trails as part of a cohesive pedestrian transportation network, which should serve citizens of all ages, facilitating access to school properties and other community institutions.

Councilman Jaehnig: This clearly emphasizes that sidewalks are the number one priority but that they cannot be the only answer to moving forward with a comprehensive plan. Again, just restating, for those who may not have heard, each individual project will be coming back before council after it is completely vetted. We will have a complete understanding of exactly what is going to happen, what the cost will be, and what the cost may be after the fact. Each of the projects has those that are in favor of it and those who are not, including sidewalk projects. Not everybody is happy about sidewalk projects. So, each individual project will be coming back before council before a grant is filed. Again, all we are doing is filing a plan that will allow us to take that next step. I believe this compromise to move forward is a good thing and will allow us to move in a positive direction. I know there are some others that would like to make some comments, so at this time I would like to let them do that.

Councilman Wallace: I received a letter today from Ron and Sue Jenkins who live on 806 Kathryn Drive. I've put a copy there in front of each of the councilmen so you can read this. Just to paraphrase it quickly, they are totally against sidewalks in the Denver Addition. I did explain to Sue (I spoke with her this afternoon on the telephone) that they are not voting on sidewalks today. We are voting on a plan that will help us move on some of these things in the future. She still wanted me to address this and tell people about this, so that is what I am doing. Okay? So, you have the letter to read.

President Ertel: Very good. Thank you. Don Wells?

Councilman Wells: Tonight I would like to thank council persons Sandy Mongold and Bob Mead, the Judiciary Committee, and especially Mayor Raizk for continuing to work

on this plan until we have arrived at a place where we could all come together in support of Safe Routes to School. I would like to thank my neighbors for their concern regarding the safety of the children, as well as their interest in the preservation and conservation of our green spaces. I would also like to assure them when the time comes for the design and the implementation of the trail connector, we will all be involved in the planning and placement of our Timber Glen trail. I would urge your “yes” vote on this plan. I think it is a good compromise. Thank you.

Councilman Jaehnig: Thank you, Don. If there are no other comments, I would like to ask for the first reading.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the resolution Approving the Final Safe Routes to School Engineering Study for that Part of the Wilmington City Schools District Within the City of Wilmington and Declaring an Emergency.

Motion passed

Lynn Turner read resolution by title only.

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

President Ertel: Okay. That meets all of the timing dates and so on.

Councilman Jaehnig: Yes. As long as we complete it at the next council meeting, we will be fine.

President Ertel: Very good.

Councilman Jaehnig: The last item on our agenda tonight is an agreement with the Downtown Wilmington Community Improvement Corporation for funds from the UDAG project income revolving loan fund, setting forth certain conditions and declaring an emergency. These are funds that have been requested to move ahead with a project the city has been behind and working on for about ten years now and that is the Sugartree Corridor. This will allow DWIC to purchase some properties that are intricate in actual development in the future. Are there any questions?

Lynn Turner: Mr. President.

President Ertel: Yes.

Lynn Turner: I did speak with Kathryn this afternoon, who I believe had attended the Judiciary Committee.

Councilman Jaehnig: She did not.

Lynn Turner: She had said, though, to the best of her knowledge, there were certain terms within that loan that had not been included. She indicated to me that while she had no objection to Wilmington becoming involved with that loan and that sort of thing, that the terms, such as the interest rates, had not been filled in on the paperwork. To the best of her knowledge, the terms of repayment had not been outlined, and she felt it best that those actually be within the document before you all voted on something you weren't sure of all the final details. Her suggestion was that perhaps it be given three readings the next week once that information was filled in. I'm just the messenger.

Councilman Jaehnig: I'm slightly confused, because the document we have has those items in it. So, I'm not sure why she...

Lynn Turner: She just relayed that to me this afternoon. Again, I'm simply the messenger.

Councilwoman Mongold: We do have that document, and the legislation is strictly to give the money to the CIC. The CIC [Inaudible for Transcription]

Clerk Laura Curliss: She gets to approve it. She has to sign the document.

Councilwoman Mongold: It is in the document that it is zero percent for seven years. And it was in there....what was the other question? I'm sorry.

Lynn Turner: She was inquiring about the terms of repayment...when the payments start.

Councilman Jaehnig: It is a lump sum payment on or before the end of the seven years.

Clerk Laura Curliss: It is in your legislation.

President Ertel: She will have ample time to review this.

Councilwoman Peterson: I am concerned about what document she was looking at.

Lynn Turner: Just the terms of the loan.

President Ertel: She can review that at a later date and time, when it goes through CIC.

Councilwoman Mongold: I don't understand.

Councilman Jaehnig: I'm not sure what you're saying.

Scott Kirchner: I would offer that the response may have come from my inquisition to the Law Director after the committee meeting the other night when the committee was surprised by the fact that they needed to set the terms and the conditions of the loan. I don't know if she has seen her packet, but I know I represented to her at the time that the committee was caught off guard by the fact that they needed to set those terms and conditions. Although, if you actually compare that to the 1981 UDAG legislation that set up this fund, the loan percentage rate was set by that legislation as well as repayment requirement of quarterly payments. So, the original legislation to this money dictated those specifics.

Clerk Laura Curliss: And this council has changed that at least once since then. They can change it on a loan-by-loan basis.

Councilwoman Peterson: Since I have been on council, we have changed the interest rates several times because interest rates keep going down.

Clerk Laura Curliss: Right. Because the interest rate environment changes.

Councilman Jaehnig: I believe that you were actually in on one of those approvals of those UDAG loans that were changed.

Scott Kirchner: At the time, I indicated the same thing, that I felt that the legislation clearly stated it. I don't remember the exact language that we put around that, but I think we actually indicated we were amending this original resolution. I could be incorrect about that. It has been a number of years since we did that activity, but I believe we amended the original legislation to indicate the new interest rate that we would use at that time, which was 3%, as I recall.

Councilman Jaehnig: Based on the documentation that I reviewed today, everything seems in line to me.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the resolution Authorizing the Mayor to Enter into an Agreement with the Downtown Wilmington Community Improvement Corporation for Funds from the UDAG Project Income Revolving Loan Fund, Setting Forth Certain Conditions and Declaring an Emergency.

Motion passed

Lynn Turner 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; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner read the resolution by title only.

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

Scott Kirchner: Mr. President. I had spoken to Councilman Jaehnig prior to this meeting and understood that he was going to only be asking for one reading and had reserved my comments for the public portion of this meeting. Seeing that he has failed to hold up to that word and now has moved for the second and third reading...

Councilman Jaehnig: I beg to differ with you...

Scott Kirchner: [Inaudible for Transcription] ...address council on this issue.

President Ertel: Wait a second. At this point, we have a motion on the floor. Comment was already made on this. We are just acting as a council now. If you would like to voice your opinion at the end of the meeting in public session, that is fine.

Scott Kirchner: After council votes on this, it becomes immediately enacted?

President Ertel: That is correct.

Scott Kirchner: And the motion that was just made has been completed. It was read. I ask for council attention on the floor prior to any further motion.

President Ertel: I heard no motion like that. Plus, we are in the process of moving this forward. If you have comments about it, afterwards, in the public session, you can voice them at that time. Go ahead.

Clerk Laura Curliss: I need a second.

McKay seconded the motion to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2207 passed as read.

Councilman Jaehnig: Thank you. That is all for Judiciary.

President Ertel: Thank you. Back to yours, Sandy, from the Finance Committee.

Councilwoman Mongold: Yes. We have an ordinance making supplemental appropriations.

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

Motion passed

Lynn Turner 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, no; Peterson, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Lynn Turner 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, no; Peterson, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4927 passed as read.

Councilwoman Mongold: Thank you.

President Ertel: Thank you. Moving down to Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item tonight, Mr. President. It is the third reading allowing the mayor to enter into an agreement with the Board of Trustees of Union Township for the provision of the fire and emergency medical services for the period starting July 1, 2011 through June 30, 2016.

A motion was made by Jaehnig and seconded by Wells to give the third only on the resolution Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Union Township for the Provision of Fire and Emergency Medical Services for the Period July 1, 2011 – June 30, 2016.

Motion passed

Lynn Turner read ordinance by title only.

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

Motion passed.

President of Council declared Res. No. 2208 passed as read.

Councilman Jaehnig: Thank you. That is all I have, Mr. President.

President Ertel: Okay. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Okay. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: Just a couple of updates on our projects. We were told by our contractor that their schedule shows that by next Friday they should be done with all concrete work. Also, starting Wednesday of next week, they will start the milling and paving starting on Main Street. So, those projects are right on schedule. Nelson Road: They're going to start paving that Monday morning, so you may want to go in another direction. Our culvert project down at Swindlers – we've been down there cleaning that hole out. That culvert is scheduled to be set Tuesday morning. The frame is coming in Monday morning, so Tuesday morning they will be setting that. They probably will be spending the whole week putting the culvert together.

President Ertel: Now, will that require the whole street to be shut down or just one lane?

Service Director Reinsmith: Hopefully, just that right lane. We're a little slow on our house removal there on Main Street – the one that we have corded off. I guess we are supposed to get an asbestos report on August 19, but we may be done paving that street by then. I told the engineer to convey the message to the contractor that we're not going to put up with any damage to our new street if it happens to be paved by then, so have a bond ready before you even start the demolition project. If you damage the street, you're going to pay. We've waited too long to get it done to have somebody tear it up. So, that is all, Mr. President.

President Ertel: Okay. Thank you. Did I see Nick come in? There he is. Is there any report Nick?

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 – July 2010 and the Hotel Lodging Tax Report – 2nd Quarter 2010, as received. Motion passed.

Reports accepted as received.

Councilman Wallace: How are we doing on the collection, Mr. Mayor? In other words, we sort of have an idea of what we should be getting. Are we getting what we think we should be getting?

Mayor Raizk: I'm sorry.

Councilman Wallace: On the collection of the taxes and the income and things. Are we pretty much on track with where we were thinking we were going to be?

Mayor Raizk: On the income tax report, I think, yes. I think the treasurer's forecast has been very accurate. It has been tracking just what we forecasted for. We haven't made much ground, but we haven't lost any of it. Would you characterize it that way, Geoffrey?

Geoffrey Phillips: In reviewing the numbers in the report before you tonight with the tax commissioner, we are tracking very, very close to our projections. We did anticipate that through June 30 we have more than our half of our estimate, which we do, and then trend down in July, which is what we expected. The real question at the moment is going to be the first quarter we don't break a [Inaudible for Transcription]. In terms of the estimate we gave you, it appears it is going to be pretty close to that.

Paul Hunter: According to the Auditor's report that they gave us last meeting, our [Inaudible for Transcription] are down a little too. It might help to match the decrease in revenue.

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.

Scott Kirchner: 245 S. Mulberry Street. The very first part of my statement will be, Councilman Jaehnig, that I am deeply disappointed in the lack of character you demonstrated in the actions that you performed tonight...

President Ertel: Personal [Inaudible for Transcription – multiple speakers simultaneously] let's talk.

Scott Kirchner: I had talked to Councilman Jaehnig and he had indicated that there would be a single reading done tonight...

Councilman Jaehnig: No, that's not...

Scott Kirchner: ...and I respected that process. I am deeply disappointed in you, sir.

Councilman Jaehnig: Well, I'm sorry that you feel that you could stand up here in public and lie.

Scott Kirchner: Are you saying that you did not represent to me that there would be one reading?

President Ertel: Now. Let's talk fact, right now.

Scott Kirchner: I'm asking for a fact right now. Are you indicating that you did not say that you would be going for a single reading tonight?

Councilman Jaehnig: I indicated to you that if I did not find things to be in order, that would only ask for a single reading. But, I did not find that. I found everything to be in order, so I did exactly what I told you I would do.

Scott Kirchner: Just before this meeting, you did not say that? I asked the...

Councilman Jaehnig: You didn't ask me about that.

Scott Kirchner: You did.

President Ertel: Okay. Let's move forward here.

Scott Kirchner: I have represented concern about use of the UDAG funds for a reason. The UDAG monies represent a very unique investment pool of capital that can encourage businesses in our downtown area and in fact in our city. I have been concerned about the protection of those funds and the replenishment of those funds. As set up, they are a self-feeding, self-generating engine that can be reinvested time and time again. As I represented at the committee meeting the other night, there were specific requirements that go along with that that our original UDAG set up. It does clearly state 5%. It does clearly state quarterly payments. It also indicates a process that was not followed in approving this legislation that became before the council tonight. It was my understanding that at the committee meeting you were considering for the first time the actual application for the loan. Is that correct? Tuesday night, was that the committee's first review of the application?

Councilman Jaehnig: No. We had accepted in committee before.

Scott Kirchner: The application had been filed prior to this?

Clerk Laura Curliss: We have had it for a couple of weeks.

Councilman Jaehnig: You were at the meeting, but you needed to step out because we went into executive session.

Scott Kirchner: The reason given was that you were going to acquire a property.

Councilman Jaehnig: Correct.

Scott Kirchner: You could not have discussed the loan application because at the time the property was not acquired. The right to acquire did not exist.

Clerk Laura Curliss: Anything in executive session really cannot be discussed outside of executive session. I believe, in general, financing of real property acquisitions would be within the purview of the exception to the public meeting requirement.

Scott Kirchner: The process is laid out in the original legislation is that the committee is to give preliminary approval, with specific terms and conditions and security, with instructions as to the preparation of loan documents for further considerations, deny the loan, or return the application to its designee agent for further consideration, report a recommendation. But the, under the next step, the final loan documents are to come back before council for final approval. To my understanding, we don't have those final loan documents yet.

Clerk Laura Curliss: We do.

Scott Kirchner: When I requested them at the committee meeting the other day, it was indicated that they did not have a copy at the time. I requested a copy even to be sent electronically, and I have not received it.

Clerk Laura Curliss: We don't have it electronically.

Scott Kirchner: Is my copy in the mail?

Clerk Laura Curliss: Yes. I can give it to you if you like.

Scott Kirchner: I will say that I am concerned because that pool of money cannot be replaced. Zero percent loans do not generate new revenue to reinvest. In addition to that, with the legislation that you just passed, you did not take a security position on all of the properties involved in the transaction. As we lend out a \$175,000 to purchase structured properties, we also loan out the money to demolish structures, lowering the value of the properties, immediately making the liens worth more than the property is. While I do not necessarily disagree with the intent of helping Sugartree develop, I do believe we have put at risk \$175,000, that is very unique money, and could help continue to rebuild this economy.

President Ertel: Very good. Thank you.

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

Dick Unger: 1036 N. Lincoln St. My subject is Safe Routes to School, Denver, Brownberry Drive, North Lincoln Street. Council is being passed around my homemade map of an area of the Denver Addition and Denver Schools – Safe Routes to School plan. The area of reference is the Brownberry complex area. There are 98 apartments and approximately 67 school-age kids from K-12 grade. There are no sidewalks on the east side of North Lincoln Street, i.e. State Route 134 North, from the city's limits south to Lorish Avenue and Denver Schools. It is .5 mile from the North Lincoln Street city limits south to Lorish Avenue and Denver Schools. It is .4 mile from Brownberry Drive south along North Lincoln Street, 134 North, to Lorish Avenue and Denver Schools. The speed limit along this area is 35 miles per hour, which is rarely observed. Again, no sidewalks on the east side of North Lincoln. Nowhere in the Safe Routes to School Engineering Plan, which has been discussed here thoroughly for some time, is this area addressed or even mentioned. In my opinion, a sidewalk/walking path on the east side of North Lincoln Street from Brownberry Drive south to Lorish Ave/Denver Schools is more important than hiking trails at some of the other suggested routes proposed in the Safe Routes to School Engineering Study. A sidewalk path in this area would provide a safe walking route to Denver School and also provide a safe walking route for other pedestrian traffic. Council, what I am asking you to do, is to study my map comments. Keep them in your Safe Routes to School thought process and when funds become available, not forget that a safe walkway is needed on the east side of North Lincoln Street, north of Lorish Avenue to Brownberry Drive and continue on to the city limits. Thank you.

Councilman Jaehnig: Dick, if I can...you weren't able to make it Tuesday, am I remembering that correctly?

Dick Unger: That is correct.

Councilman Jaehnig: Chris, please correct me if I misspeak, but one of the things that was discussed that particular night is that as the plan moves forward, we are able to send in amendments to the plan, because there are other areas of similar nature that have been mentioned. You are correct in your statement here. Those will be things that will be considered as we move forward. I think we will quickly find that some of the projects, cost-wise, may become an issue if the granting dollars continue to shrink.

Dick Unger: Well, I read today's paper and also had some input from others that that was the gist of it. I wanted to be [Inaudible for Transcription] on the list.

[laughter]

Dick Unger: My section of town [Inaudible for Transcription] it. That is why...

President Ertel: Very good.

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

Eric Wogomon: I'm Eric Wogomon from Next to New, the consignment shop in downtown Wilmington. I wanted to first of all say that I am very pleased that city council has looked into the Safe Routes to School. Our community has been hit pretty hard. We've been looking at all of the negative things, and for the first time, I think we have brought something into Wilmington that is actually going to entice businesses and other people moving into Wilmington. I want to say that I hope that you guys continue to strive into this, because this is what is going to make Wilmington stand above and beyond other communities as we keep on striving ahead. I want to thank you for that. I want to ask you, also, to continue to look at the revitalizing of Wilmington and continue to make Wilmington a prime place for businesses for factories to come in and also for other residents. I think we can do that. We can make Wilmington *the* place to move to and *the* place to live and get our economy back on shape. If we just continue to keep on doing programs like what you guys have come up with, we will get there, and we will be better than what we have ever been. I just wanted to thank you.

President Ertel: Thank you. Very good. We don't hear good news like that too often. Thanks.

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

Brian Stanforth: 620 Bernice Street. A few years ago, we addressed the mayor, Ernie Blankenship and City Council. We addressed Ernie and the mayor several times about junk vehicles next door. There was one junk truck next door to me two years ago. Now there are two. The mess keeps growing and growing and growing. If we want to make this a better city, we need to clean up the junk that is sitting around the properties and make them better. Nothing has been said to us or done about anything next door, and we don't know. Nobody has followed up with us about it or said anything to us and we don't know what to do, other than keep addressing it.

President Ertel: We appreciate it. Very good.

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

Councilman Wells: Mr. President.

President Ertel: Yes.

Councilman Wells: I have one other thing I would like to mention. Joe Zaycosky is in the audience. He dropped off a copy of his research on Rails to Trails to me. I read it. It was very informative. I thank you very much for your work. That is all I have Mr. president.

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, August 19, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, absent; Wallace, present; Mead, 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 Mongold to excuse the absent member. Motion passed.

Absent member excused.

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

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this time, I would like to recognize Debbie Stamper to talk to us about the Convention and Visitors Bureau Economic Impact Report for 2009.

Debbie Stamper: Thank you. You already in your packets I believe got something that looked like this. Trust me, we're not going to go through every page of this. I'm just going to hit on a few things that I think are really significant parts of it. Before we do that, I just want to mention, every two years we are mandated to have our state audit. We just had our state audit for 2008-2009. I just wanted to report there was nothing reportable. There was nothing to report on. It was a perfect audit. So, I'm pretty proud of that and I just want you to know that. In this report, probably the most important thing is return on investment. I mean, there is money that comes to the Convention and Visitors Bureau in the way of bed tax and we take that money and turn around and invest it in marketing efforts. So, what I am going to tell you right now is what each dollar that we spend, how much did that bring back to the community in dollars and people. For each dollar that we spent, two people visited the county, \$259 was spent per person, \$10.48 was returned in state tax revenue, \$6.99 in local tax revenue. We had over 613,000 visitors last year. The total amount that was spent by our visitors in '09 was \$74.1 million. Now, that is down. The previous year, in '08, we were at \$84 million. And we knew we were going to be down. As you may recall, I think I presented before what our predictions were with the leaving of DHL, that, you know, we were going to see a great loss of business travel through the different pilots and things that were staying in our hotels. So all in all we were down 11.9%. But when you look at the whole state, the whole state was down, and they were down almost 9%. So, I think the fact that the state was down 9% and we were only 3% more than that, we really did pretty well. It could have been a whole lot worse. And, so what that really tells us is that even though we lost that significant business travel, we were making up for it in other areas such as leisure and meetings and things like that. There was actually \$19,500,000 spend on wages alone, which is pretty significant, and \$10 million was generated in taxes altogether. I just wanted to comment on where our projections had been and where we came out on that when we sat down in '08 with all of the hotels and said, "Okay, how is this going to impact you?" We had actually projected that we would lose 10,000 room nights in the first year. Fortunately, we only lost 4700. That's a lot of room nights, though, for a community our size. So, again, we didn't do too bad considering. We expected the hotels to lose a million dollars in revenue and that was about on target. They lost \$914,000 is what they actually lost. We lost 70 jobs, which is unfortunate. Everybody is seeing jobs go, and that element lost jobs as well. As far as the bed tax that comes to the Visitors Bureau, we had actually thought that it would be about 30% down. We were only down 17%. It was still a lot but not as bad as what we had expected. It is going to be worse this year. We know that. We are already seeing that trend, but we are toeing the line and really watching our expenses to keep that in tow. So, that is really the most important

part of the numbers. You know, I suggest you look through this at your leisure if you want some more statistics. A couple of the things we talked about doing to try to combat this loss of revenue was to really step up to the plate and further promote the meetings market. Of course, we have a convention center that can serve 4000 people. The other agenda item was to start marketing to the sport planners, the people that have events. I'm going to pass these around. This is our new meeting planner guide and then we just have a brand new, hot off the press, sports facility guide. Mike Wallace hasn't even seen this yet and your schools are in here. I hope everything is right. Anyway, our next step is to get everybody together that represents the facilities in this guide to start talking about what we do now. What are our next steps? To start to putting together lists of organizations to contact. We are probably going to focus on youth sports. That seems to be where we are going to be able to do the most good. I already have quite a few appointments set up with the ASU and some other groups for state tournaments, which some of them already doing regional, but we are wanting something beyond that. So, that is what we are working on. I was told I have very few minutes, so are there any questions?

Councilman Wallace: Debbie, what sort of research do you do to come up with the numbers of tourists that visit our community?

Debbie Stamper: If you see on the front page, this is prepared by Tourism Economics. They actually do a questionnaire to a database of people that have visited Ohio. They didn't talk to all 613,000 people that came to our county, but there is a methodology to those statistics and how they determine that. It may be off a little bit, but it is pretty accurate. The company that is doing this now, they do it for very, very large cities, not just the tourism filled. We are told that these are reliable numbers.

Councilman Wallace: So, this poll that they do, this is where you get all the numbers for tax dollars spent and

Debbie Stamper: No, the tax dollars... what they do is they actually go to the, I don't know what they're called now, it used to be SIC codes. Geoffrey, what are they?

Geoffrey Phillips: SIC codes.

Debbie Stamper: SIC codes. They actually go to the tax codes and the SIC codes to find out what the actual spending is and what the actual tax revenue is. Those aren't made up. Those aren't with a formula. Those are accurate. Those are real numbers. Okay. Anything else? Thank you for your time.

[General comments of appreciation]

President Ertel: That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have a lot on my agenda tonight, but I would like to introduce, since he is here, Dick Hutchinson, who is with Frontier Communications. Frontier Communications, for those of you getting a new phone bill, took over Verizon, all of the landline business. Dick, if you would like to say a few things. He is going to make a little announcement to us.

Dick Hutchinson: Thank you, Mayor, and members of council. It is a true delight to be here tonight for the first time in front of you to tell you a little bit about our company. As the mayor alluded to, we took over Verizon's operations on July 1 and I have moved here to Wilmington to be the new district manager of the operations for southwest Ohio. We cover about a 14-county area. But moreover than that, I am very pleased to tell you that we are moving our district operations here to Wilmington, Ohio. It is not a huge amount of jobs, but it is a beginning. I am the first employee coming in here. It is such a welcoming environment here in Wilmington. I have had the privilege of meeting some of your leadership. They just wooed me into coming here. It was very easy to do business here, so I am just glad to be part of the community. I am actually living down by the hospital in an apartment. I am bringing my family down here once we sell our house in northwest Ohio. This will be the center of our operations in southwest Ohio.

Right now, I am based out of Nelson Avenue, which is our reporting center where our fleet is until we locate a suitable facility for the district operations. It won't be huge, but it is a beginning. We are just delighted to be part of the community. Thank you, again, for allowing me to say hello to all of you. I look forward to coming back again and reporting continued growth in our technology and so forth. Thank you.

[General comments of appreciation]

Mayor Raizk: Welcome to Wilmington.

Dick Hutchinson: Thank you, Mayor.

Mayor Raizk: I don't have anything else official, but I am sad to announce tonight that this will be Nick Babb's last council meeting as Safety Director. He is going to be leaving us at the end of the month. Nick's service to the city of Wilmington is a long and storied. He has been a councilman. He has been the auditor. He has had many years with the fire service and has been in local business. He is a true Wilmingtonian. We certainly can say about Nick that he has given back more than he has taken. I want to say publically how much I have appreciated his support and his efforts through some good times and bad. He has always placed the interest of the City of Wilmington at heart. We'll have him back for a special presentation some time later. This kind of came up. I will say to you, this is not as sudden as it seems. He wanted to do this last year. I coned him into another year of service. I think he wants to be retired and live the life of a retiree with his grandchildren and so forth. So, Nick, we wish you all the best, and please don't be a stranger. We thank you, thank you, thank you for your service.

Nick Babb: Thanks, Mayor. I appreciate that. And thanks for trusting me and having confidence in me for the past five and a half years. I would like to thank Laura Curliss for trying to keep me out of trouble and Danny Mongold for getting me into trouble. As a citizen, I would just like to thank all of you sitting up there, because I know how tough that job is. It is not an easy job. I have never been up there when economic times are as they are today. You have some terrific challenges. But, thank you all for your cooperation. I have enjoyed it. It has been fun. Thank you.

[Applause]

Mayor Raizk: I believe that is all I have for right now, Mr. President.

President Ertel: Very good. Committee reports. Asset, Acquisition and Use?

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

President Ertel: Very good. Thank you. How about the Auditor?

Auditor – Auditor David Hollingsworth: The only thing I have, Mr. President, is I laid in front of each council seat a year-to-date report on the general fund. If you want to schedule a finance committee meeting at some time to discuss. Everyone will have an opportunity to look at it and review it and if you have questions, we will address those at the finance committee meeting.

Councilwoman Mongold: Thank you. We will schedule a meeting.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have several items tonight. Item A 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4928 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance establishing a new fund, the CORF.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund (CORF).

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4929 passed as read.

Councilwoman Mongold: The next item tonight 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4930 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, Ohio, with electric lights.

A motion was made by Mongold and seconded by McKay to give the first reading only on the 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 2011.

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Res. No. 2209 passed as read.

President Ertel: Is there anything else?

Councilwoman Mongold: No. We will schedule a finance meeting, probably, in the next week or two. 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 Wells: No report, Mr. President.

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 Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item tonight, Mr. President. That is the second and third reading on the Safe Routes to School plan. Are there any comments that would like to be made before we move forward on that.

President Ertel: Yes. Mr. Mead would like to comment.

Councilman Mead: I checked beforehand to make sure there weren't any [Inaudible for Transcription] out there. I'm going to read this so I get it right. Before we vote on this much-discussed proposal, I would like to say a few things to my fellow citizens. Many words have been put forth at various times for and against this proposal for Safe Routes to School. I am not, at this time, going to make any attempt to solve problems and questions that have been presented. I have learned much over the past few weeks and feel that I am better able to understand this proposal and what must happen from this time forward. To put this proposal into perspective, we must understand that this proposal is a creation and responsibility of the Clinton County Regional Planning Commission. They have created a plan and presented it to governmental bodies as required by law for approval prior to presenting it to the state in order that we may qualify for possible grant money. The Regional Planning Commission has approved it. Wilmington City Board of Education has approved it. The Wilmington City Planning Commission has approved it. And, after some changes, now your Wilmington City Council is set to approve it in its revised form. I want to thank the Clinton County Regional Planning Commission for making certain changes and additions to the proposal to make it more acceptable to some of us. I know that many concerns remain unsettled at such time and in the future if grant money is forthcoming, we have been assured that the proposals will again be discussed to determine exactly what will happen and where it will happen. Since this proposal belongs to and was originated by the Clinton County Regional Planning Commission, I urge anyone who has input, positive or negative, to address your feelings to the Clinton County Regional Planning Commission so they might give consideration to your desires. Last of all, I simply want to assure the citizens of Wilmington that all of the members of the Wilmington City Council will strive to do the best they can to provide good government to the City of Wilmington.

President Ertel: Very good. Any others wishing to discuss. Any other comments? Rob?

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the resolution Approving the Final Safe Routes to School Engineering Study for that Part of the Wilmington City Schools District Within the City of Wilmington and Declaring an Emergency, by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, 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; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Res. No. 2210 passed as read.

President Ertel: Thank you for everyone's help on this.

Councilman Jaehnig: That is we have on our agenda. Thank you, sir.

President Ertel: Thank you. Safety Committee?

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

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Thank you, Mr. President. I'm sure Larry will speak further about our almost-completed downtown. It is certainly looking nice. I know we're all anxious to be into the final sweep. Tomorrow night, big party in the mural parking lot. Rock and roll. All the food and drink that you can stand. There is going to be a party across the street in the loft. You know, downtown is alive and well. The weekend of the Corn Festival, we are going to have our downtown yard sales. We've been planning for that. We're going to have the grand reopening of the downtown just prior to the parade of the antique farm equipment. So, it is going to be a great weekend. We look forward to seeing everybody downtown shopping and having a good time and doing what they ought to be doing. That's all.

President Ertel: Good news. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace: I really don't have a report for the Parks and Recreation, but I did want to say that I happened to help my wife last weekend. It was the grand croquet tournament for the Bicentennial celebration. We had some really hotly contested croquet games out there. It was a lot of fun. It was about the hottest day you have ever seen anybody try to play croquet in. We almost got melted away. It was fun.

President Ertel: Good. Did you happen to play in the championship match?

Councilman Wallace: I did not. My wife was the director and I was her helper. I will say that there were a couple of matches where people didn't show up so we ended up playing as much croquet as anybody because we were trying to get people warmed up and teach them the game. I have never seen so many people in a tournament that had never seen croquet played before. Councilman Jaehnig represented Wilmington very well.

President Ertel: Thank you. Mr. Service Director? Do you have any words of wisdom?

Service Director- Service Director Larry Reinsmith: Just a couple of things. First of all, for those of you who haven't noticed, they did open State Route 730 today. They did close 350, but...

[Laughter]

Service Director Reinsmith: I had a woman who called and left a voicemail, really mad, who wanted to know when I was going to open up 73 out by Antioch. Sorry, Lady, but... That is going to help because it was hard to get around 730. Also, we finished the paving on Nelson Road today. We just have a little bit. We have some striping and now some clean-up work, punch list stuff. That turned out fairly nice. It is a lot nicer than it was. Most of the paving in the downtown area is done. We have to tie in a lot of the side streets that they built. They're working on those tonight. We have some punch list stuff there. They have most of the lay-out work done for the striping, so they will be striping here in the next couple of nights. It is all coming together. I think right before school it's going to be great.

Mayor Raizk: Larry, you might explain to folks that this is temporary striping.

Service Director Reinsmith: Yes. Some people said, "Boy, that paint is not going to last long." It was just there so people wouldn't kill each other on the streets.

Mayor Raizk: The specification is for the thermoplastic striping, but there has been so much construction all over the country, thermoplastic striping is on backorder pretty much, but it will be what we get in the end. So, if something isn't exactly where it is supposed to be, don't worry, it will be right in the end.

Service Director Reinsmith: So, that's pretty much all of the streets. I did want to tell you a little bit. We're working on our recycling project. You guys can pass those down. We think we found the vehicle we want to pick up our recycling. We have got the bins in. Here is your recycling bin. Everyone has a number, so you will be assigned a number to your house. That way, if it blows down the street, we will know that one belongs to Gary Hufferberger.

[Laughter]

Service Director Reinsmith: We have, I think, 4000 of these. It is a matter of getting that truck purchased. I talked to the chairman of that committee about getting a meeting together so that we can talk about that.

Paul Hunter: It's not covered Larry; there is no cover on that?

Service Director Reinsmith: No. You'll have to drag it out that morning, Paul.

Mayor Raizk: You can put stuff in it in a bag if you wish.

Paul Hunter: Well, I'll probably have to.

Mayor Raizk: We've talked to people that have the flip-top covers. The problem is it doesn't hold enough.

Service Director Reinsmith: It does have holes in it, so if it rains in it, it will come out.

Councilman McKay: Larry, is this a one man vehicle?

Service Director Reinsmith: Do you see it? It has steering wheels on both sides. You can get out either side.

Councilman McKay: Or one woman...

Service Director Reinsmith: Yes. One woman. You see the bins. That is where they dump all of the bins. You can probably dump several in there before you ever have to lift it up into the truck.

Councilman McKay: So, the answer is yes.

Service Director Reinsmith: Yes. It will hold 20 yards. Like I said, we can pick up a whole week's recyclables. We only have to make one trip down to the center. We will see how it works.

Paul Hunter: Did we decide on a price for the processing or do you know yet?

Service Director Reinsmith: No. We're still arguing about a lot of things with those companies. But, we are putting some things together. It's going to work out pretty good for the city and revenue really. That's all.

President Ertel: Just one thing...a positive comment to the people doing the curb and gutter work. The dirt was put back very nicely between the curb and the sidewalk. I was

very concerned about how that was going to turn out. They came back and did a wonderful job putting that in...getting grass growing and so on and so forth because I envisioned weeds.

Service Director Reinsmith: We had a bad night one night when it really rained and washed out some of those areas, but...

President Ertel: Yes. I noticed that.

Service Director Reinsmith: And the Swindler's project down there, the culvert, is coming along. We'll be wrapping it up.

President Ertel: Do you have a feel for when that will be reopened. Just a month?

Service Director Reinsmith: Yes. Oh, yes.

President Ertel: Excellent. Not by Corn Festival, though.

Service Director Reinsmith: Probably not. I don't know. They're about ready to backfill.

Councilman Wallace: The night we had the really hard rains, the short period with the heavy rain. I went down Nelson and I noticed the water was kind of pooling up down there toward the bridge. Are they going to do some further studies on that to see if there is anything we can do to help that?

Service Director Reinsmith: Was that last week or the first one?

Councilman Wallace: The last one.

Service Director Reinsmith: Because on that one, we had a lot of mud that was all over the place that came down there. That problem is not going to happen again. They've got catch basins right down in that dip there.

Mayor Raizk: Up on North Nelson we had an opportunity where we put in that to look at some things. I think we're going to put another catch basin in to resolve that as well, because I think it is almost good, but it just needs one little.

Service Director Reinsmith: The sidewalk that we put in, it is getting a lot of use.

Councilman Wallace: It is big improvement. It looks nice.

Councilman McKay: I really [Inaudible for Transcription – background noise] for that sidewalk project.

Service Director Reinsmith: I know it. About the first time we started talking about that project, Mark kept saying, "Hey, a sidewalk would be nice from here to there."

Councilman McKay: You just expanded on my idea.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – Safety Director Nick Babb: Actually, I do have a report.

President Ertel: Good. I was going to say if you said, "No report." I was going to tell you that you have to say something.

Safety Director Nick Babb: Exactly I am going to ask Assistant Chief Weyand to comment on a couple of exciting new pieces of equipment that we have in the Police Department.

Assistant Chief Weyand: Yesterday we brought back car 109. It is the first car that we have that has the new computers installed from the grant. Within the next couple of

weeks we should hopefully have almost all of our cars outfitted with our mobile computers and cruisers. We also have another car that has what is called an LPR in it that we got off a grant. It is a license plate reader. It scans a plate a second. It can scan plates as fast as 80-90 miles per hour. So, as the officers are driving around, it is constantly reading license plates. It will scan them for stolen license plates. We've had stolen license plates. We have had stolen cars. It will hit on a license plates where the registered owner has warrants, so we have had quite a bit of that. It has been a very good tool for us. We've made quite a few arrests off of it so far.

Safety Director Babb: Be sure to renew your plates. If not, we're going to get you.

President Ertel: Thank you. I'll put a note there to not forget about that. The system does work.

Reports:

A motion was made by Wells and seconded by McKay to approve the Auditor-Treasurer's Report – July 2010, 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: Don has his hand up; however, let's let the mayor talk.

Mayor Raizk: Okay. Just quickly, we thought maybe we could get everybody here tonight, but they had their final presentations and some were here and some weren't, so that is why I wanted to introduce for the Clinton County Fellows. Tomorrow is your last day, correct? Is Lori here too?

[Inaudible for Transcription from back of room]

Mayor Raizk: Okay. We wanted to recognize you, those of you who are here, and thank you for your work. I think it is a great program. We want to do our best to try to continue it. Maybe if we could find a way, make it a year-long program, or an ongoing program where more folks could participate over a year. But, thank you very much. Good luck. Who is going back to school first?

[Inaudible for Transcription]

Mayor Raizk: The other two. They are starting this Monday, aren't they? That's what I thought. Chase and Kelsey start earlier than you guys do. Thank you. It has been great having you here. I know a lot of folks have gotten to interact with you. We are certainly proud of you, and we hope that you are proud of your hometown. So, thanks again.

[Applause]

Mayor Raizk: Each one of the fellows did receive bicentennial coins from the city as a token.

Councilman McKay: I hope they spend them wisely.

[Laughter]

Don Wells: Tonight I wanted to speak on behalf of some citizens in the third ward, especially the Southridge area, that frankly are not getting to enjoy the same quality of life that we do in our neighborhoods. Their property values are being destroyed and they have to look at a horrible mess every day. I think that we need to do more to try to enforce our zoning and building codes. These people come to meetings. They listen to the talk. They feel like they're given the runaround. They pay their taxes like the rest of us. We need to do more to help the situation. It is just a horrible thing. Several of you know what I'm talking about. If you look at it, it is just a horrible thing to look at. I'm

asking that we try to put this on a high priority. If we are going to change our rules and laws and stuff, we need to get something done as quickly as possible and try to help these people in Southridge. That is all I am asking for. I just wanted to kind of bring it to our attention to put some emphasis on it. Thank you.

President Ertel: Thank you, Don.

Kathryn Hapner: Don? Do we know what property you're talking about, because there are a couple that we have prepared complaints on and are getting ready to file in municipal court.

Don Wells: Well, specifically, Lytle place , Planks and Hines.

Kathryn Hapner: Stahl we're getting ready to do. The complaints...

Paul Hunter: And Bernice.

Don Wells: And Bernice. Several of them have come to council. I keep telling them that we are working on it, we're trying to help them, we're trying to do something, but...

Kathryn Hapner: I thought they might know that we have the complaints prepared and are getting ready to file. It might give them some comfort to know that it is moving forward.

Don Wells: Well, that's good news.

Councilman McKay: On both of those properties?

Kathryn Hapner: I believe so.

Don Wells: I just wanted to speak out and give them some support and help if we can. Thank you.

President Ertel: Thank you very much. Dick I see you're on the way here.

Dick Unger: 1036 N. Lincoln Street. Kathryn, you might add 1066 N. Lincoln Street. There is a picture coming around, just to follow up with what Councilman Wells said. You have all seen it before; it is the old Moffit place. I have been on this journey to try to get it cleaned up since April. The stories I get – Ernie is working on it. Ernie is working on it. And so on and so forth. So, I need help, too, as well as the area that Don mentioned and Mr. Hunter mentioned. It's all over the city. It is not just a few isolated places. The second thing I wanted to ask Finance Committee, on item D, about the new assessment for lights, will that be in addition to the street lights we are already being taxed for?

Councilwoman Mongold: No this is the same process that we have to go through legislatively. It is nothing in addition. It is just something...

Mayor Raizk: We have to do it every year.

President Ertel: It is just a renewal.

Dick Unger: Oh...a renewal of the existing?

President Ertel: No, it's nothing new.

Dick Unger: Well, I would like to have...this probably needs to be brought up to the streets committee first, I suppose, but from Florence Ave on 134 North to Brownberry right in the middle, there is a dark spot. Of course, we have no sidewalks. There is already a transformer there. There is already a light pole there. We just need a street light up there. Thank you.

President Ertel: Yes. Name and address please.

Maxine Lovelace: I live over in Clinton Commons. There is a problem over there with a parked vehicle at the moment that has been there for a couple of months. There is a curve...you can see...here are the Clinton Commons. We are coming down out onto the street onto Howard Street. Usually there are more cars parked here, which is fine, they are not in our way. Here is our stop sign. Here comes the truck. As we turn to the right...comes the truck. There are also apartments to the right, which have a little bit of a curve. They also have a stop sign, but because of the truck, you don't see the vehicles start up again. I had the instance to happen. I moved out for the truck, the other person had stopped for the stop sign. They also moved out, and we were right there at the intersection. Had we not stopped...both of us had stopped. The biggest problem will be that school buses are going to start in. Because of that little curvature, we would like to have either a yellow curbing marked there so they can't park from that little knoll that comes on Howard Street.

Mayor Raizk: Are we on Howard or Thorne or the intersection thereof?

Maxine Lovelace: Well, we are on Howard Street...

Mayor Raizk: I'm just trying to get it in my mind.

Maxine Lovelace: ...Vine Street would be coming to the corner.

Mayor Raizk: So, at the corner of Vine and Howard?

Maxine Lovelace: Yes. That is where the truck is right now. And it is just in the right position so that because of the slight curvature of Howard Street, it is in the way. Many times there is another truck in front of it, another truck in back of it, which puts three in a row. It really does block the view. School busses will be coming through there. We have two, I know, that go into the apartment section over there.

Mayor Raizk: And it is right at the corner or close to the corner?

Maxine Lovelace: Well, like I say, there is a slight curvature in there. So, I would say 10 yards, maybe 5-10 yards from there. But, it is just enough to block the curvature in that street.

Mayor Raizk: Larry?

Service Director Reinsmith: You know, we did address that intersection in Streets Committee and I think we decided that we were going to ahead and make that a four-way stop.

Councilman McKay: I wasn't sure she was talking about the same place.

Service Director Reinsmith: That's the one that has the Thorne Avenue that breaks right off that was put. It went down to Clinton County Metropolitan Housing, right? And the other side is...

Mayor Raizk: No, I think she was one block farther on. She said Vine and Howard.

Maxine Lovelace: No, Thorne and Howard.

Service Director Reinsmith: It is kind of an irregular intersection. It is not really a good clean four-way, but I think we decided we would make it a four-way stop anyway. So, people will be stopping up there as they come to that intersection.

Maxine Lovelace: True. But if they can park there, you are still going to have a problem. Just like they pulled out from the intersection that comes from the apartment. If they park on the west side there, you're going to have a problem because you can't see them pull off. There are two stop signs there.

Service Director Reinsmith: Well, they're going to be four there.

Councilwoman Mongold: But you still can't see.

Service Director Reinsmith: So, everybody will come up there and stop, from every direction.

Male speaker: Will you paint the curbs yellow?

Service Director Reinsmith: Well, you'll come back from that side – 30 feet.

Mayor Raizk: Thirty feet back from the stop sign you can't park.

Councilman Jaehnig: When the stop sign is put in, a yellow curb..ed

Maxine Lovelace: That would eliminate some of it.

Mayor Raizk: I think it will resolve.

Service Director Reinsmith: He will be back off of that intersection.

Mayor Raizk: Because you can't be that close because of the stop sign.

Maxine Lovelace: Do you know how soon they'll do that.

Mayor Raizk: Council passed it and we have to wait thirty days...

Service Director Reinsmith: Did you pass it?

Councilman Jaehnig: I don't think so. I think it has been under discussion.

Mayor Raizk: Are you sure?

Councilman Jaehnig: I thought it was on the agenda two weeks ago.

Maxine Lovelace: The other problem is right across from the truck is a house that seems to be using part of their housing as a business. They have several cars parked in the driveway, working on cars, and there are several children there too. It is right in that same area. It is causing a problem.

Unknown female speaker: This truck has been there for two months. We think it is never being moved at all. It is just sitting there in the way.

President Ertel: The red one?

Mayor Raizk: I'll look at it tomorrow morning.

[Continued discussion regarding the location of the truck]

Maxine Lovelace: Thank you for your time. This was just a problem that we were worried about.

President Ertel: Thank you for the presentation with photographs. We appreciate that.

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

Dan Stewart: 574 Hale Road. Wilmington. My name is Dan Stewart, and my wife is the owner of Books 'N' More. I have prepared a written statement to read to ensure that I say only what I feel I need to say. You are all aware of the reason we, as merchants, are here. What you cannot know is the extent of the damage the so-called stimulus project

has caused. Books 'N' More has been forced to reduce payroll by more than 50%. We are losing our credit status with our suppliers, which means our orders need to be prepaid with money we no longer have. I am personally working two part-time jobs solely to keep the doors open.

[TRANSCRIPTION INTERRUPTED – END OF TAPE]

Dan Stewart: ...prospering before the construction but now has days with zero sales, a barber who had only one customer in an entire day, one store that has closed and another that has moved out of our downtown. We have done all we know how to do. We come to beseech you, our city leaders, to reinvest your resources in saving our downtown. The completion of the sidewalk project is not the answer. It will only mask the damage that has been done over the past five months. A famous man once said, "The world will little note nor will long remember what we say here." He was wrong. I hope what has been said here and what will be said here tonight will not fall on deaf ears and that we can work together to restore downtown Wilmington. Thank you.

President Ertel: Thank you.

Sandy Wogomon: I am a Wilmington Citizen and I am also a business owner of 14 N. South Street, Next to New Apparel and Accessories. Thank you for your time. One question that I wanted to raise first before I get into any information that Dan has shared with you, I would like to know the status of where council is in relation to our June 3 discussion of utility relief for the business owners in the downtown.

Mayor Raizk: We looked into utility relief. As far as the city goes, it is only water and sewer. We have not been able to find any way fairly to do it for the downtown, because how can we do it for everybody else. I have asked if Dayton Power and Light or Vectren have any programs. As far as the city goes, they have a program to deal with it, but as far as individual things they didn't say they had anything available at that point. I do know that a couple of charitable organizations, including the Friends Church, have come up with a fund that people can apply for to get some utility relief if they can demonstrate some things. You know, this council is for the entire city, not just some areas of it. In terms of fairness, other people have been impacted too. You know, we've had a recession and we had a lot of lost jobs. Many of the businesses are down that much as well. So, in terms of fairness, there just really wasn't any way to moderate that in terms of water and sewer; especially since that is probably some of the smaller parts of your utility bill. Obviously, your power and your gas are what your biggest parts are. So, that is where we are at.

Sandy Wogomon: Okay. Mr. McKay, I personally have to disagree with you publically tonight. You had mentioned tonight that downtown is alive and well. There is an event planned tomorrow evening.

Councilman McKay: Did I say well?

Sandy Wogomon: You did.

Councilman McKay: I'm sorry. I know it's not totally well.

Sandy Wogomon: I have to completely 100% disagree with you. The downtown is not alive and is not well. While I don't live in the city limits, my business is in the city limits and I partake in that seven days a week. In the morning, in the afternoon and in the evening...many times very late in the evening. I can assure you that it is not alive and well. I appreciate your positive thinking and I appreciate your efforts that you do, but it is well known to the business owners that it is not alive and well. And we seek your help. We seek your knowledge and your skills and your experience and your combined efforts. I know that there are some creative minds here that can assist the business leaders and the business owners in what we can do here. What we can do to raise the bar. What we can do to make Wilmington attractive again. And Wilmington is attractive in and of itself, but there is a lot of room for improvement and there are a lot of ways that the bars can be raised. Efforts on everyone's part need to be escalated. We need to think

out of the box. We need to step out of our comfort zones and we need to [Inaudible for Transcription]. This is information that has probably been discussed before in several meetings. It has probably been discussed off line and in other areas, but timing is everything. We're losing time. We are in a recession, we realize that, but people still do come to Wilmington to visit and they still want to shop in the downtown. But, because of the sidewalk project that happened and the road project, business owners in the downtown were set back five months and counting, and in a business plan, that just throws everything out the window in a business plan. Again, timing is everything and we need to act on this time. It is time to act and it is time to get together and make this downtown vibrant again. It is not active and it is not well. Because of that, we are losing businesses. Because of that, when businesses leave, you lose the charm that you have in the city. We're using all of our resources as a business and business owners – we're using our resources, what we can and what is left, to add to your city, to complement your city, to make it comfortable and complementary, but we are asking you to seek outside the box and do something different. An example, and I think it is a dated example but it needs to be revisited. I understand Ms. Mongold and Mr. Phillips worked together combined tried to start an initiative of Main Street beautification. We applaud your efforts. Their intentions were to bring complimentary destinations to downtown – complementary – something that adds to your charm. I think that needs to be revisited. It needs to be escalated. Success breeds success, and you want to make that a successful program. You want to do something different, because whatever is going on now, it is not working. You're losing your downtown. My question to you, and I know the answer, but I have to ask it, do you want your downtown to die? I don't either.

President Ertel: Okay. Very poignant points. Thank you very much.

Sandy Wogomon: Thank you.

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

Chas Wiederhold: 459 Anderson State Route, St. Martin, Ohio. I have grown up in this community, aside from my address being outside of Wilmington. I was born here and I went to Wilmington High School and Graduated from Wilmington High School. I am back as a Clinton Community Fellow. I thank you for the recognition at the beginning of the meeting. For those of you who attended our final ceremony, I appreciate your attendance there as well. I would just like to say thank you for positive attitudes in the community, because I think positive attitudes in the community are the only thing that will keep us from getting dejected enough to give up. Mr. McKay, thank you for your positive attitude. And everyone from City Council, and as an outsider I feel strange saying this, and it has always been a battle for myself, but City Council, members of the community, small business owners who often continue to have positive attitudes. Thinking outside of the box is very important. I know in Flint, Michigan they decided to stop evicting people from their homes because there is no point. I know we not anywhere near that point. I was in Detroit yesterday and I got to see what that looked like. We're not there. There is hope for us. We still haven't seen our best days. A positive attitude is what everyone needs. Everyone needs to constantly reflect on themselves. If I have learned anything from the fellows program is that constant reflection on your progress allows you to recognize where you need to make improvements. I know there are several people in this room who have had a big part with the fellows program and I would hope that they would agree that reflecting on their own performance has allowed new things to happen. So, I really hate to see people get dejected. It really hurts me. So, keep a positive attitude, and everything will be okay. It's not Detroit.

[Laughter]

President Ertel: Thank you so much.

Councilman Jaehnig: Mr. President, if I could just have a minute. I think a very good point was made tonight. Business owners, one of the things I really have to applaud them for is the continued unbelievable tiresome hard work that they put in. The thing that I

would ask is that our citizens take that same approach. Not only to going downtown or to any of the businesses in our community and doing their shopping and supporting the Buy Local program, but taking a look at their properties themselves with this same attention that our business owners do in keeping our community clean. As was stated, we have to put our best foot forward. This is not the first time I've said that. We are at the point now where businesses are looking at Wilmington, whether it be [Inaudible for Transcription], warehouse, retail, restaurants, whatever. They are looking at Wilmington. They are looking at coming back. We have the job force here and ready to go. Really, while the business owners have really taken it on the chin, they still have really high standards. They have still gone out there every day and put their best foot forward, no matter what it took. I really feel that there are many of our own citizens that have given up. You know what? Business owners haven't given up, and our citizens can't give up. You need to take a look at your own property in your own neighborhoods and take care of each other and take care of this community. That is the only way that we can move forward. I applaud the business owners for everything that they have done and everything that they have gone for. I will continue to do anything I can personally or professionally to help them. Thank you.

President Ertel: Very good. Yes sir.

John Schum: Thank you for allowing me to speak. I'm John Schum. I live at 81 W. Main Street, over there at hotel. I appreciate that you are all doing everything that you can think of to do. I thank you a lot for doing that. There are those of us... I know that you are business people too... that are a lot closer to the bone than some of the others. Desperate people do desperate things, and it is a little more difficult for some of us to put on a smiling countenance and go out there and take it on a chin another day. Like you said, we are going to continue to support all of us in the community and give it our yeoman's effort as long as we are able to do that. We will continue to support you in your efforts to guide us and lead us through this difficult time. Although, you don't generally hear a thank you, it is more often you hear from people who have a pothole or something I understand that. Public service – I can't imagine a tougher job right now – unless of course you are in small business and in public service. I wouldn't know about that.

[Laughter]

John Schum: I know you guys know what's up and I know you are doing everything you can possibly think of. It is appreciated. It really is. I hope you are able to keep it up and hang in there with the rest of us. Thanks.

President Ertel: Thank you. Yes sir?

Jim Burge: I live at 1486 Murphy Road. Wilmington, Ohio. This is my first meeting. I kind of apologize that this is the first time I've been here after being here for 25 years. My father is a councilman. My brother is a councilman. They are clerks and treasurers in their town. They are involved in their community. I never got involved in this community, like I said, I appreciate the people who do. My one concern is I had some problems back with this construction. My business happens to be leased to a company that went out of business and left my building vacant. During that time period, they were doing the construction on Main Street. All of the vehicles pulled into my parking lot, which had about this deep on the front. Well, it busted all of the asphalt in the whole parking lot. All the way across it. I just watched it and I looked at and I said, "Well, this will all be taken care of." Well, it wasn't taken care of. So, I called the city and I said, "Who do I need to talk to?" They gave me a ladies name, and I imagine that is probably maybe you, I'm not sure, and they said they would call me back and they didn't. I talked to the Department of Transportation. They said that they would come out and look at it. They looked at it and they said "Whew, that's a mess. We're going to have them come out here and we're going to do something about this and fix it." So, he came out and he talked to me. Of course, okay. So, then I went next door and talked to [Inaudible for Transcription]. I said, "Here are some pictures. I want to show you the workmanship that is being done down here." He says, "That's terrible. I'm going to talk to the people and see what we can get done on this." I said, "UPS for a week couldn't even get into my

building because there was no ramp into my building.” And they said well there must not be anyone there. So, they finally came and put a little ramp in. We had one lane, so you couldn’t turn into it. They got stuck twice and they said, we won’t deliver there any more. And I lived with that. What really disappointed me was when I asked about this and I said, “What can we do about this and how can we come back on this workmanship that was done so terribly,”

Mayor Raizk: Jim.

Jim Burge: Yeah.

Mayor Raizk: Let me tell you. I walked every inch of your place with the head engineers and Larry. It will be taken care of. We showed them exactly. We have a similar problem when they put in the walk there. They’re going to saw cut back about a foot back to good asphalt and then repair that so it is seamless, so there is a straight line.

Jim Burge: And I appreciate that, but...

Mayor Raizk: They’re going to do it. But, that crew is not the crew that laid the big asphalt. They’ll be coming down and doing it. I’ve got the same problem.

Jim Burge: I guess my concern is what about all of the other people in town. How do they go about this? Why haven’t we set up something to look at this. Just like you said, they sprayed that, the next night it rained. It’s all gone. All we have is a bunch of weeds. I had a landscape service that did my landscaping for my building every week. All I have now are weeds growing. When they say the grass looks fine. It doesn’t look fine. Look around town. It’s a mess. So, I just want to know who do the people of this town come back to and say, “Yes, we’ve done a great job putting the sidewalks in, the roads are 100% improvement, but we do have problems.” We need to set up something that these people...I have seen other driveways going down the road, these people are busted off and they are hanging over. Are we going to leave all of these driveways...

Mayor Raizk: No, not at all. And we usually take the complaints either through my office or Larry’s office. We have created a punch list. Then there are multiple walk-throughs that we have been going with them...this needs to be fixed and that needs to be fixed. Before they leave, all of those places will be taken care of.

Service Director Reinsmith: Well, you Mayor, have complained about it. He complained about it to me. We had 12 people out there that morning. We had ODOT. We had Jurgensen...everybody out there that day. They agreed that they are going to re-do that. That is just part of their punch list items that they have to come back on. They have a lot of those things that they have to clean up.

Jim Burge: What upset me, I guess, was after they poured that, the next morning it was poured. I walked out there and I went “Oh, My God, what a mess.” I walked down the street and I said, “Who is in charge of this?” The man says, “The guy over here.” And I said, “That real young guy?” He must have had an OSU hat on. And I said to him, “Did you just finish doing this?” and he said, “Yeah.” I said “Have you looked at it?” and he said, “Yeah. It’s terrible, isn’t it?” I said, “Yeah it’s terrible.” I said, “I would be ashamed to do that kind of work.” He says, “You people aren’t paying us enough money to this right.” Well, you know, that’s what irked me as a businessman in this town. I mean, we’re not paying you enough money. I mean, that’s the attitude.

Mayor Raizk: I understand that. You have to understand, everybody goes out and talks to the person that is working on the thing in front of them. They have no concept of what is going on or whatever. That is why we have been taking them...we go straight to the Ohio Department of Transportation and their senior management and say, “We’re not leaving until this is fixed” and so forth. But, you’re going to get taken of. There are a lot of little places and we have a huge punch list, and we’re going down and checking them off.

Jim Burge: That was my concern. Are we going to address all of the people in town?

Mayor Raizk: Absolutely.

Service Director Reinsmith: That was one of the first ones they poured, and there was some misunderstanding there. They were told that they weren't allowed to spend any money behind the sidewalk.

Jim Burge: They couldn't spend any money there.

Service Director Reinsmith: That was the ODOT rule and stimulus rules and all of that. So, when they had some jagged edges, the concrete guy goes if they can't spend any money behind the walk, we're just going to fill those in with concrete and that way you won't have a hole there. It was all wrong and we got it all cleared up with the contractor.

Councilman Jaehnig: You just have to keep in mind, it is the difference between having somebody like the project crew who is on Nelson who is local and the others that don't have to live in this community and don't have to come back here and answer for the quality of work.

Jim Burge: I agree with you 100%, because every day I drove to work and I watched the work they were doing there, and I said, "These people are doing excellent work. They are proud of what they are doing." And then I pull around the curb and I see what they're doing on the other one, and I said, "This is the difference between local people and people coming in from the outside. 100%." Thank you.

Mayor Raizk: Don't worry. Everybody's feet are going to get held to the fire.

President Ertel: Thanks Jim.

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

Councilwoman Mongold: I wanted to say something. And, I hope in the entire city that we are on the road to recover with jobs and the businesses and everything. On a positive note, I just want to mention that we have done so many things to actually be creative and step out of that box with the Main Street Program that has been sponsored by the city. You're shaking your head no?

Unidentified Male: I don't think that Main Street is doing that good of a job.

Councilwoman Mongold: Well, we have the promotions department, Sandy, which your husband is the chair of, we have the concerts, we have the mural. We have beatification projects with the pocket park. We have yard sales.

Unidentified Male: The director is not really [Inaudible for Transcription]. I have been very dissatisfied with Main Street. As a downtown resident, as a downtown employee, I'm not happy.

Councilwoman Mongold: And that is under the CIC and Leilani is chair of the CIC. I just don't want us to forget the positive things that are going on. We are working on a \$400,000 matching grant, which I have been part of an additional \$800,000 in the downtown area which is meant for businesses to use to improve their properties. We have another \$400,000 matching grant in progress. I just don't want us to lose sight of what we do have positive going on and hopefully we are all on the road to recovery and things are going to turn around.

President Ertel: Very good. Thank you.

Sandy Wogomon: Can I respond to that, please. My husband is a committee chairman for a lot of those things that are going on in Main Street and he is just as frustrated as what I tried to picture to you tonight in that a lot of the ideas and solutions that come out of these meetings are squashed along with this project that has come into our town has

been squashed and diminished and put us back beyond five months. We have had to suffer through this long-term project that was not in any one of our business plans. My plea to you tonight was to please escalate your abilities to help us with what we are able to do and bring people to this town. Make it beautiful to do so, but while we can't even afford the match now. We are already into August something and there has been no action taken on that Tier II that you're talking about. Even if we did have the money now to match that, but we can't. We're asking everybody to reach into wherever it is you've got to reach into and think out of the box here and help us make it attractive for the businesses. Because businesses do spend money in the downtown, but they're not coming downtown because I can't even walk on the brand new sidewalks in fear of losing a heel of mine because the sidewalks are so poor. The brand new sidewalks are horrible. You should come downtown and talk to the business owners who have to live and breathe this every day.

Councilwoman Mongold: I work downtown.

Sandy Wogomon: You should come downtown. It is not the greatest thing in the world. It is puzzled. It is piecemealed. It looks horrible. I am actually very embarrassed to invite visitors to my town because that and my customers complain about it – what few customers I have at the moment. They complain about it. We are trying... the committees are trying... but we need your help to escalate and elevate those other buildings that are sitting vacant. You should be applying vacancy taxes and all kinds of things to bring more people and more complementary businesses to the downtown. Get it thriving again. Make it happen.

President Ertel: Thank you. Yes ma'am.

Jenifer Stewart: I am Jennifer Stewart. I have a business downtown. I am going on 16 years at Jen's Deli. I was in Wilmington long before there was a Main Street Committee. Before there were positive things going on downtown, and I did commend the Main Street Committee for doing projects and doing things, the yard sales, the concerts downtown, the Brown Bags and so on and so forth. However, I do feel that the majority of the activities are at the General Denver and have been all summer long. I think that we need to focus on more activities that include all of the businesses and the merchants downtown, like the Halloween festival, like the Holidazzle, things of that nature, instead of just having it concentrated in one area again and again and again and again. Who is Steve Brown's boss?

Councilwoman Mongold: The CIC.

Jennifer Stewart: The CIC committee is his boss?

Councilwoman Mongold: The downtown CIC.

Jennifer Stewart: Okay. Ummm. He has threatened me. He has come in my business and threatened me. He has told another business owner that they would be better off not on Main Street and to move their business, and he sexually harassed another business owner in the downtown. Is this somebody we really want representing downtown Main Street?

[Lengthy Silence]

Jennifer Stewart: Nobody has an answer to that?

President Ertel: I think it is a little difficult to answer that based on the accusations you just made. It is hard to determine facts in this situation.

Jennifer Stewart: Okay. So, this needs to be directed to DWIC.

President Ertel: Correct.

Jennifer Stewart: But, I think as a whole...

Councilwoman Mongold: Leilani is the chairman.

Jennifer Stewart: Okay...as a whole we all need to be focusing on doing more activities that include all of the businesses, not just one business in the downtown.

President Ertel: Okay. 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 Wallace to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, September 2, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Mead, 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 Mead to approve the minutes of the last regular meeting, August 19, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Let's see...

Mayor Raizk: I believe we have some recognition tonight. Chief Detective Riley, I would turn it over to you.

Chief Detective Riley: Thank you, sir. I appreciate it. On January 1, 1922, Wilmington officially became a city. On January 2, 1922, the newly formed city had their first council meeting. The Wilmington Police Department was formed at that time and it ended the tenure of Will Sliker, who had been the Town Marshal for 35 years. They no longer had the Marshal's position and it created what we now know as the Chief of Police's position. That position was appointed by then Mayor Richard Greene to Rollo S. Kirk, who became our first Chief of Police of the Wilmington Police Department. He served in that position from January 2, 1922 until July 1, 1922 when he retired. From that first appointment up until the present day, we have had seven Chiefs of Police. You had Chief Kirk, Chief Ben South, Chief Everett Downing, Chief Don Simmons, Chief Stanley "Buck" Irwin, Chief Thomas White, and of course our current Chief Mike Hatten. Of all of the chiefs, Chief Hatten has been the longest serving Chief of Police. He was appointed to that position on January 15, 1983 at the age of 29. He has served in that position for the last 27 years. All of these facts, and these are just a few of them, were uncovered by Dave Lieurance (we'll have Dave come up in a minute.) I had asked Dave earlier in the year to look into all of the names of our Chiefs of Police for a little bit of department history. We wanted to be able to document those, get a plaque or whatever, but just to note for ourselves who they were. Dave went above and beyond doing that and actually compiled what we have here, which is a book of some of our department history. You may have seen some of this. We sent a copy up to be distributed to council. He gladly accepted the task and he put together this book for us. He worked very hard at it. He spent a lot of time at the library and the historical society. He went as far as interviewing some of the old department members to make sure his facts were correct. We appreciate all of he has done. On behalf of the current members and the past members of the Wilmington Police Department, we wish to present you with a certificate of appreciation for your hard work in documenting our history and getting that done in a timely fashion. I greatly appreciate it, Dave.

David Lieurance: Thank you, Chief Detective.

Chief Detective Riley: Thank you.

David Lieurance: I would like to thank Chief Detective Riley for asking me to do this project. The police department, as many of you know, holds a special place in my heart. As a 17-year-old, somewhat naïve, senior in high school, I started a 48-hour work week from midnight to eight with the police department. I thank all of the members, current and former members of the police department, but especially those members at that time who accepted, like I said, a somewhat naïve kid into their ranks. I learned from all of them. I also want to thank those that helped with the input on this project. I especially would like to thank my wife, Laura, and my son Shane for their patience and support

during the project. I certainly appreciate Assistant Chief Weyand and Chief Detective Riley's interest in the history of the department and the city and I thank you.

Mayor Raizk: Dave. Stay up there for a second. For all of your hard work in doing this cataloging and since this was a Bicentennial project, the City would like to give you one of our special bicentennial coins.

David Lieurance: Mayor, I appreciate that.

Mayor Raizk: Congratulations.

David Lieurance: Thank you.

Mayor Raizk: I have Don Simmons' sidearm.

David Lieurance: That's outstanding. Just as a sidebar. Yesterday, Former Chief Thomas White and former Sergeant Frank Copeland, who left the department 50 years ago, graciously met with Assistant Chief Weyand and Chief Detective Riley. They all wanted to meet each other. We were here for two hours touring the department. Many of you may remember former dispatcher Millie Gray, who was the face of the city for 26 years at the old building. You would come in and she was the receptionist. At that time, the dispatch office was right in the front door. Millie was with us and Shane was with us. We certainly enjoyed two hours. It was so nice to see men who worked together 50 years ago come back into the police department and seem to have such a good time. I thank you all.

[Applause]

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have an official report tonight, but I did want to call your attention to something that we had been doing for ten years now almost – our 9/11 memorial celebration. It is to be Friday, September 10, since the 11th falls on Saturday. It is at 7:30 a.m. You have the agenda there already and we have it worked up very well. So, we hope to see everybody there. That is also open to any member of the public or anybody who is downtown. Please come. It doesn't take very long, but we feel that it is important to remember. We participate with the county on this. They come over and ring the Freedom Bell. It is a good time and a wonderful celebration if you can spare just a few minutes. The best part is, we have snacks afterwards. So, everybody show up if you can. I think that is all I have, Mr. President.

President Ertel: Very good. Let's check out the committee reports, please. 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: The only item we have tonight is a resolution approving special assessments to go to the County Auditor.

A motion was made by Mongold and seconded by McKay to give the first reading only on the 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 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2211 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 one item. We are going to do one reading on some legislation to change the traffic control map to add stop sign at the corner of Thorne and Howard Street. We discussed this at committee meeting, and we felt it was good to move forward. Frankly, it is a traffic control device. The traffic goes flying through there and we think something else will slow them down.

A motion was made by Peterson and seconded by Wells 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 reading be on the Agenda for the next meeting.

Mayor Raizk: Just so council is aware, it is okay to not give it all three readings at one time. As I said when the folks were here the other night, I had visually seen this vehicle, which then accumulated another vehicle. We have yellowed the curb out all the way past now. The vehicles have been removed. We still need the stop sign. That is not part of the traffic control map. It doesn't require legislation.

Councilwoman Peterson: Oh, great. That is on the agenda for the next Streets Committee meeting, so we can take that off.

Larry Reinsmith: No. I think you still need the stop sign.

Councilwoman Peterson: No, not the stop sign, but yellowing the curbs. The stop sign, we have already addressed at committee meeting. The yellow lines, a resident called me and I added it to the next Streets Committee meeting.

Mayor Raizk: It is not necessary because we have already addressed it. It's done.

Councilwoman Peterson: Oh. We're the City; we never sleep.

Service Director Reinsmith: And we towed the trucks.

Mayor Raizk: The trucks have been towed. And it has been yellowed a very significant amount.

Councilwoman Peterson: We are overachievers, so we can take one of the agenda items off and we'll be good to go.

President Ertel: Very good. Thanks. 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: Chairperson Rob Jaehnig: We have one item tonight, Mr. President. This is the first 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. This is our yearly funding request, our grant request, for our taxi services. Mr. Floyd is here in case there are any questions before we move ahead.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the 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 Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance.

Motion passed

Director of Law read resolution by title only.

Councilman Jaehnig: Do we need to put the second and third reading together on the next meeting or are we going to do this in three readings?

Clerk Laura Curliss: Three meetings.

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

Phil Floyd: At the third reading, we will have our public hearing – on October 7.

Councilman Jaehnig: Thank you. I appreciate it. That is all we have today, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report today.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: Just a lot of things coming up the weekend after this, with the Corn Festival and Corn Festival Parade and the grand reopening of downtown at the same time as the parade, so it should be a pretty exciting time. Come and hang around and shop the yard sales and the shop the downtown merchants.

President Ertel: Very good. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace: I have no report, Mr. President.

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I have no real report, I just want to...if you don't know already, Nelson Road will open up tonight. That will make a lot of people happy.

President Ertel: Is that all you have?

Councilman Wells: I have one question. Larry, did we come to a conclusion on the left turn? Are they going to...?

Service Director Reinsmith: We're going to take the arrow off.

Mayor Raizk: We met with the folks with the state this morning, Larry and I did. The reality of it is that the traffic control map indicates parking spaces there, so we need to do what the law says, so we are going to grind those off and return it to where it is supposed to be. Obviously, it was a state funding, engineers of the state...

Paul Hunter: What are you talking about, Don?

Councilman Wells: The left-turn lane in front of the Friends Church right out here...

Mayor Raizk: The left turn lane on Mulberry. There were actually parking spaces there, and the state mistakenly put that in as a left-turn lane like on all of the other intersections going back on Locust. We will return it to where it supposed to be so it is in compliance with the traffic control map.

Service Director Reinsmith: Another side on that, I know there are some little flaws in certain areas – driveway approaches. We met with ODOT this morning. We gave them three pages of a punch list that we had found, so they are going to be working on it. They are going back next week. They really want to be finishing up, I think, toward the end of next week maybe, because once they are done, they really want to get out of here and not come back. So, we are rushing to get a few things done like tear a house down and get Swindler's done, because we want all of that stuff done before they leave. They've done a lot of things that...

Mayor Raizk: That doesn't mean that they can't be brought back if there was something glaring, it is just easier if we can get all of these done. As we said, we gave them a punch list with three full pages first.

Councilman McKay: Mr. President.

President Ertel: Yes.

Councilman McKay: I did forget one thing, since we are still in revitalization. The Murphy Basement Band will also be performing this Saturday morning at the Corn Festival Parade under the marquee of the Murphy. That includes several people that are well-known to many of us.

President Ertel: Do you know when the parade starts, Mark?

Councilman McKay: 10:00.

Councilman Wallace: I have a question for Larry. Are we still going to do Prairie?

Service Director Reinsmith: Yes. We're working on that right now. That's all I have.

President Ertel: Any update on Swindlers?

Service Director Reinsmith: They've got it up to grade almost, so they are getting ready to pour the slab on their porch.

Councilman Wallace: Will it be wide enough to get the parade through?

Service Director Reinsmith: Well, we're going to have enough fill in there and Denny is going to pull the barricades out for the parade. It will be okay.

President Ertel: Very good. Thank you.

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

Reports:

A motion was made by Jaehning and seconded by Peterson to approve the Income Tax Report – August 2010, 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.

Sam Malone: I live 675 Ken Hawk Place in Country Oaks. I believe Mr. Patterson was talking to the mayor on several occasions or some of you gentlemen about the condition of the road that stops at Silverado. It is only the first level of concrete there. The second level has never been put in. I spoke to Mr. Reinsmith, I believe, in 2007. I wrote him a letter. Unfortunately, I never got a reply. I am concerned about what is going on and what's the eventual replacement of this road. Now I understand from Mr. Patterson, who is my neighbor, that a bond has been put up for \$50,000 to do the rest of the roadway. Apparently, it is not enough to cover it. I want to know what is going to happen. Are we going to sue this guy to do it or what? When are we going to have the road done?

Service Director Reinsmith: Pretty much what you are saying is right. I don't think it is \$50,000 – it is less than \$50,000 on that.

Sam Malone: Well that is what I was told.

Service Director Reinsmith: You know, when they did that and they submitted their letter of credit, what happened was is the asphalt price doubled in price. But, I had made a suggestion and had talked to the mayor about it, I had sent that letter to the Law Director asking for her advisement. I wanted to really move forward and get a judgment, and then we would go ahead and pave that, but I wanted to attach his property. He doesn't have any more lots out there. They are all sold. So, I wanted to attach it to one of his personal properties. I had sent that and had gotten no response. We are working on trying to figure out legally how we do that. We're going to get the road paved, it is just how do we get the attachment or lien done to try to get it done.

Sam Malone: Okay, I understand that. But how long is that going to take. I mean, are you actively working on it?

Mayor Raizk: We're actively pursuing it.

Sam Malone: So are you going to go to court against this gentleman?

Mayor Raizk: Well, we will have to at least get some kind of a judgment. That's all we can do. We will do what it takes to get the road paved.

Sam Malone: So, suppose it takes five years to get the judgment.

Mayor Raizk: Well, it's not going to take that kind of time.

Sam Malone: You don't think so.

Mayor Raizk: No. That will move to the top of the docket.

Councilwoman Peterson: One of the challenges is we do have other undedicated streets in other areas that they want us to repair and replace as well. So we're challenged because these are streets that have not been dedicated to the city. Unfortunately, there are others throughout the city.

Sam Malone: Well, I'm sure there is, but I'm only concerned about...

[Laughter]

Mayor Raizk: As you should be.

Sam Malone: Well, we pay the taxes there for it, and we don't seem to see any results.

Councilwoman Peterson: Absolutely.

Service Director Reinsmith: If it makes you feel any better, Councilman Wells and I both live in the same situations.

Sam Malone: I know you live there.

Service Director Reinsmith: So, we're...

Sam Malone: That is why you should be doing a little better.

[Laughter]

Mayor Raizk: So, we are pursuing this as much as we can. The outcome is eventually that street is going to be paved. But it is not going to be five years. Don't worry about that.

Sam Malone: Well, I'll see you in 2011.

Mayor Raizk: It would be great if we could get it before the snow flies, but, I think you may be more right than I am. Just say that.

Sam Malone: Well thanks. I'm depending on you.

Mayor Raizk: All right. I take the responsibility and I don't take it lightly.

Sam Malone: Thank you.

President Ertel: Thank you so much.

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 Mongold to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, September 16, 2010, with President Fred Ertel presiding.

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

Assistant Chief Duane 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 McKay and seconded by Wells to approve the minutes of the last regular meeting, September 2, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: I also would like to make an announcement on the 2008 and 2010 CDBG Formula Grant Amendment hearing for October 7 at 7:30 p.m. So, mark that on your calendars, if you would, please. Also, the public hearing for the Ohio Public Transportation Grant Program is going to be October 7 at 7:30 p.m. So, it looks like we are going to have some good presentations. I believe that does everything in my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any formal report or any action, but I would just like to remind you that the Homecoming Parade is at 6:30 on Thursday, September 30. It is not a council week, so we don't need to take any special meetings and all of that good stuff, so that is a good thing. As per the announcement that the President said about the grant amendment hearing, in your packet is revised information regarding those grants. This covers three years, actually: some left over from '08 and '09, and then '10. Council had originally proposed another way and because of some difficulties, we are now revising this. Just so you know what it is. The emerald ash borer...

Clerk Laura Curliss: It's here.

Mayor Raizk: Did everybody get a card?

Clerk Laura Curliss: Yes. They should have.

Unidentified male speaker: Where do we find some...?

Clerk Laura Curliss: The fairgrounds.

Mayor Raizk: Do the fairgrounds have some? Laura, the article that was in the paper about the tree on Smith's lawn...is it susceptible to this or is it...? It was kind of vague in the paper. It's an ash, so it is susceptible...?

Clerk Laura Curliss: They all are.

Mayor Raizk: Even though it is a different type.

Clerk Laura Curliss: That is my understanding.

Mayor Raizk: Well, we hope nothing happens to that. 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 – In the absence of Auditor David Hollingsworth, there was no report.

President Ertel: Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: The first item we have 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4931 passed as read.

Councilwoman Mongold: The second item tonight is a resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies.

A motion was made by Mongold and seconded by McKay to give the first reading only on the 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2212 passed as read.

Councilwoman Mongold: The last item tonight is another resolution accepting the local government assistance formula as provided by the Clinton County Auditor.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Accepting Local Government Assistance Formula as Provided by the Clinton 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2213 passed as read.

Councilwoman Mongold: That is all we have tonight. 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 Wells: In Cindy's absence, she asked me if I would take care of the second and third reading. We just have the second and third reading on an ordinance amending the traffic control map and the traffic control file, and declaring an emergency. Are there any questions?

A motion was made by Wells and seconded by Wallace 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, by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Director of Law read the ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4932 passed as read.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Okay. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item tonight, Mr. President: the second reading on a resolution authorizing the submittal of a proposal with the Ohio Department of Transportation for a grant. This is our funding for the taxi service. This is an annual thing that we do, and this is the request for a second reading. We will have the third reading and the public hearing at the next meeting. Are there any questions?

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the 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 Executing a Contract with the Ohio Department of Transportation upon Grant Proposal Acceptance.

Motion passed

Director of Law read resolution by title only.

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

Councilman Jaehnig: That is all we have, Mr. President.

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 Mark McKay – I would just like to report that we had a lot of activity in the downtown over the weekend, Saturday especially. We had the grand reopening of the downtown. We had our yard sale. I guess

we had the Murphy Basement Band under the marquee. I was not able to witness that, but the downtown is open for business. Come one, come all.

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: I have one question. Is there anything going on with Swindler's or is it done?

Service Director Reinsmith: We have the sidewalk poured. We still have to pave out the parking lot. Then we still have a section of water line that we have to replace on the other side of the street.

President Ertel: On the good side of the pavement?

Service Director Reinsmith: Yes. We're going to do that in about a week, so that lane will be down for about a day.

President Ertel: So, within a couple of weeks, we may have it all done. Okay. Very good. Anything for Safety Director?

Safety Director – Mayor Raizk: Since Assistant Chief Weyand is here, I would like to give public credit to the WPD for their quick action in the incident at Long's Pharmacy. We appreciate the work that is done, and the off-duty officer...

Assistant Chief Weyand: He couldn't have been in a better spot at the right time.

Mayor Raizk: And the idea that you had to work around an unauthorized member of the City Administration who was also in hot pursuit. I did give a memorandum to Chief Hatten that this person is not to be authorized to use a firearm or deputized in any way, shape or form.

[Laughter]

Service Director Reinsmith: I pulled up to the scene...

Mayor Raizk: The Executive Assistant did type out this memo and gave it to the chief.

Service Director Reinsmith: I get out and there are guns drawn and I said, "Oh, my...this kid really messed up." "He was really speeding," I said.

Mayor Raizk: Larry thought he was just chasing down the license plate of the speeder. He didn't know the before and after. I think it scared him a little bit when he saw...

Service Director Reinsmith: I realized I had showed up at a gunfight with a pocketknife, and I thought, "Oh, my!"

Mayor Raizk: Anyway, Assistant Chief, thank you for your quick action. That was good. It is good to get somebody in the act for a change. That is all I have.

President Ertel: Thank you very much.

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Auditor-Treasurer's Report – August 2010, 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.

Mayor Raizk: I did forget one thing. It got stuck in my papers. I wanted to remind everybody that cardboard city is Saturday night. It is a great event. You know, it has been here for all of these years in our parking lot. If you get an opportunity, stop by and see the kids and show your face. They appreciate it. Thank you. Sorry, Duane.

Assistant Chief Weyand: I was just going to mention the Medication Disposal Day that is in the packets.

Mayor Raizk: Go ahead.

Assistant Chief Weyand: Patti Ahting from Mental Health Recovery Services got many of us together to put together medication disposal days. This will be the first one in Clinton County. They have done these in a lot of other places. It is an opportunity to do a drive-through at the Peterson Building at the Fairgrounds on the 25th from 9:00 to 1:00. You pull in, no questions asked. I have containers from the DEA where they just drop the pills in them, they leave, and we dispose of the medication.

Councilman Jaehnig: I was just curious. When I saw it, my first inclination was, you can't throw drugs away? If I had old pills, I would throw them in the trash.

Assistant Chief Weyand: What they are wanting done with them is they don't want to flush them. They want to dispose of them correctly.

Mayor Raizk: I think it is important to note. Especially, sometimes, people have aging parents where they have kept a lot of medication for a lot of years or something like that. This is an opportunity to get rid of some of those things. You wonder, "What do I do with them?"

Assistant Chief Weyand: No cost. No questions asked. We just don't take the syringes or any liquids. It is just strictly pills.

Paul Hunter: And it presents a biological hazard in the water system. There have been a lot of studies on that. Some of the stuff just gets into [inaudible for transcription due to background coughing]

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

President Ertel: Yes, Rob.

Rob Jaehnig: Just two quick items. Tomorrow night at Wilmington College is the Fall Fest. There will be a lot of local businesses out there. They will be introducing themselves to the students and so forth. It is also a home football game. So, there will be a lot going on out there at the college area. Then on Sunday, if you haven't been notified, Laura has been working very hard and has put together a great opportunity that is near and dear to my heart now, with my new job, and there is a speaker coming in. We are going to talk about kitchen incubators, which is one of the things that the college and CIFT, the Center for Innovative Food Technologies, is considering about looking to bring into Clinton County. So, if you have ever had the desire to turn Grandma's cinnamon peaches into a product and start selling them, you know, this is the type of information that will be provided in a way that is affordable. Taking a product to market nowadays is a very difficult thing because if you use a processor, you are usually having to buy about 10,000 jars worth. Nobody has that kind of need when you're just starting up. Starting up in the food business is a very difficult thing to do, so we are going to try to see if we can create some local economy and some local jobs and see about this kitchen incubator. The first discussion, with Laura's help, she got started on it way before us, will be this Sunday at 3:00 in the community room. There is a flyer over there about it. Please come join us.

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 Mongold and seconded by Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, October 7, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, absent; Wallace, present; Mead, 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 McKay and seconded by Jaehnig to excuse the absent member. Motion passed.

Absent member excused.

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, September 16, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: The next part is a resolution authorizing the voluntary temporary (and I underscore temporary) reduction in salary of ten percent for City Council members. And if you notice in reading that, it is effective April 1 of this year and certainly goes in concert with the other reductions that were made and so on. It certainly runs upstream relative to what our comrades at the State and the Federal levels are doing. Unfortunately, I have not seen that same gesture done at the State or the Federal levels. Any discussion on this resolution, please?

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Authorizing a Voluntary Temporary Reduction in Salary of Ten Percent (10%) for City Council Members.

Motion passed

Director of Law read 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; Wallace, yes; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Res. No. 2214 passed as read.

President Ertel: Hopefully, in the future, things will return to normal and we will be able to move this back to where we were currently at as of April 1.

President Ertel opened the public hearing on the 2008 & 2010 CDBG Formula Grant Amendment.

Whitaker Wright: Good evening, Mr. President, members of council, audience members. This evening we have been asked by the State of Ohio to amend our Formula Program Application for 2010. There is a handout that I have that provides a short explanation. As some of you will recall, over the summer we proposed to the State of Ohio to use 2008 and 2010 funds to complete the bathroom at the former Little Giant commercial space. The state thought that was a very good idea and precluded to kind of bend over backwards to help the city carry out the project. Unfortunately, subsequent to that, in July and August, HUD issued a very restricted interpretation of public rehabilitation and concluded that new work or new construction on handicapped-accessible bathrooms is no longer eligible. The state is appealing that ruling and apparently, a number of other communities were also caught in the same boat. Consequently, they said "Please, go ahead and amend your grant now because whatever decision HUD makes in Washington could be months." What you have before you this evening are the two proposed replacement projects. We had allocated approximately \$40,000 in fiscal 2008 funds. The

replacement project will be to repair the sidewalk in front of the Murphy Theatre. There are about 90 linear feet of sidewalk. It is located over a basement area that extends from the foundation of the building to the roadway. It is leaking and beginning to collapse. The City Service Department looked at the project from the inside and report the supporting stands are corroding and that is a large part of the problem. What we will do is remove the existing sidewalk and support stands, and install new support beams and replace the new sidewalk on top of the stands. Ernie Blankenship concluded with Larry Reinsmith that this was a far more cost-effective approach than trying to fill in the hole. Dan Mongold is here and I don't know if you want to amplify on these observations.

Danny Mongold: No. I think you covered it.

Whitaker Wright: The 2010 replacement project...we had allocated \$17,200 to the Little Giant. Instead of that, we will be allocating those funds to the Clinton County Homeless Shelter. In April, they had submitted a project request to install a parking lot on their property. Currently, as you well know, the only available parking is along Gallup, which provides very difficult circumstances to both the residents, staff and people who want to drop items off at the shelter. The new lot will be installed with access coming into the shelter to Main Street, which will provide for safer access and egress. As proposed, they will have a total of 10 parking spaces installed. I open the floor for questions.

Unidentified male speaker: Where would the parking lot be located?

Denise Stryker: It would be directly behind the 390 Main Street property that currently backs into the other two - 33 and 36 Gallup Street. It will alleviate a lot of congestion on Gallup Street, which a lot of times cabs have a hard time pulling up to drop people off or pick them up. During the wintertime, it is almost impossible to pass through. It is really going to help a lot. We are really thankful for the opportunity...

Whitaker Wright: As I recall, when they acquired the property, Larry went out and looked at the easement and also at the space behind that Main Street property.

Councilman Wallace: Would this be the kind of project that would be good to reach out to [Inaudible for Transcription] and see what their feelings are? Is that a necessary thing?

Whitaker Wright: Part of that is the public hearing process. As far as I know, the City received no comments ahead of time that I am aware of.

Paul Hunter: Will the zoning allow that? Would this be of interest to the BZA?

Whitaker Wright: I would defer to the City on that.

Denise Stryker: We did check with Ernie Blankenship when we submitted the grant back in April. He checked on that and said it was.

Whitaker Wright: The zoning was acceptable?

Mayor Raizk: There is no zoning problem that I know of.

Councilman Jaehnig: The entrance to this is off an alley?

Whitaker Wright: Off Main Street. There is actually an easement right-of-way along that property. They will install a driveway up the slope and onto the parking surface.

Councilman Wallace: Did I read it is like six to eight parking spots. Is that what it is?

Whitaker Wright: Eight to ten.

Councilman Wells: Is the sidewalk improvement, is that 25,500, is that a new figure added to the \$40,900. Is that what that is?

Whitaker Wright: Are you looking at the second page?

Councilman Wells: Yes. 2010.

Whitaker Wright: Okay. That sidewalk improvement is for Main and Mulberry. The Murphy Theatre sidewalk would be just for 2008 funds. The 2010 funding will be used to assist the Main and Mulberry project where they had to go in and get some engineering...

Councilman Wells: Is that on the corner by the hotel?

Mayor Raizk: That has already been approved. We're not amending that part of it.

Councilman Jaehnig: That was what I was going to ask...is that still intact?

Whitaker Wright: That is still intact and we've gone out for engineering procurement for geotechnical services. Those came back just a few days ago, and Larry and Ernie will evaluate the qualifications of the engineers.

Councilman Wells: What is the status of the Little Giant right now?

Mayor Raizk: We're stuck because they won't allow us to use that money like they did before for the completion of it. I can tell you, though, that we are pursuing some private funds, while this is going on, to finish it, because our goal is to get it finished. We have had a little bit of private interest in it. It belongs to the DWCIC actually, and therefore they can do something with it. There is some private interest in doing that and completing it with private funds.

Whitaker Wright: The city has met with a number of local contractors, so I think that everybody had a pretty good idea of what it would cost to complete the work. If it is paid for privately, then Davis-Bacon wages don't apply and that substantially lowers the cost of the project. Are there any more questions?

President Ertel closed the public hearing on the 2008 & 2010 CDBG Formula Grant Amendment.

President Ertel: Mr. Phil Floyd.

Phil Floyd: Thank you, Mr. President. Good evening, everybody. This public hearing is one of the final requirements of the 2011 grant proposal process. This process includes three readings of a resolution authorizing the submittal of the certification and assurance documents and budget documents for operating and capital funds for the calendar year 2011. The Ohio Department of Transportation and the Department of Transit will evaluate these documents along with our performance data, which is determined from our quarterly reports, providing ridership, revenue collected, vehicle miles traveled, hours of operation and other information. This data indicates our level of efficiency, ultimately to help determine the approval of our request for funds for next year. While ridership and efficiency of our system are a large part of determining the awarding, it is also determined, of course, by the available funds from the federal and state public transit budgets, so there are no guarantees for us until all of that is determined, and it will probably be somewhere in mid-December before we will know for sure. I can report that our performance numbers continues to surpass the Department of Transit calculated averages. It actually places Wilmington Transit System as one of the most efficient rural systems in the State of Ohio. I am happy to report that we will provide over 130,000 rides this year while, at the same time, keeping the actual cost to the city at levels not seen for over a decade. For 2011, we have submitted a budget proposal that will reduce the city's contribution by 32% from 2011, which was \$283,247. This will reduce it to an 11-year low of \$192,295. This includes \$13,295 in capital funds for replacement vehicles. Our total operating budget submitted to the state is \$1,365,589 plus \$132,947 capital for the replacement of said vehicles. To fund this budget, our grant proposal seeks \$633,026 in federal grant funds, \$140,968 in state grant funds, plus \$65,003 in Ohio Elderly and Disabled Transit Fare Assistance Funds, which we have already been approved for. Also, I am requesting \$119,652 in capital funds for the purchase of the

vehicles mentioned, plus we estimate revenue generated fares at \$240,000 plus contract revenue of \$61,000. Within the 2011 budget, we are including expenses based on a formula provided by the Auditor's Department which would allow us to expense a portion of personnel costs incurred by the Auditor's Office and the Service Director's Office for services provided to our department. This is considered indirect labor or allocated costs. The Department of Transit considers this an in-kind contribution, so we submitted it that way. While there are no guarantees, we anticipate acceptance of the proposal as submitted. If the indirect labor costs or our share of the administrative costs are not approved by the State, the contribution by the City will still be 24% less than the 2010 contribution. So, our goal is and always has been to maintain the same level of service and not raise fares, but, at the same time, reduce the amount the city has to budget to the transit department. Are there any questions?

Paul Hunter: Where are the savings coming from?

Phil Floyd: Well, from the get-go. When I came aboard two and a half years ago, I did a complete analysis of costs and where we could look to save money and to also increase revenue. When we increase revenue, like in contracts for Job & Family, for instance, that directly reduces the city's share. So, we have increased the contract work for the last two or three years. We took a look at all costs, which of course the highest cost is personnel. We have 45 part-time drivers, so \$500,000 a year. We took out any overtime. We reduced driver's hours slightly to about 5%. We've reduced travel costs, office supplies, building maintenance, although we do have requirements from the state in the maintenance of the vehicles...we did find ways to trim that down. So, it is just a matter of taking every line item and looking where we can save the dollars, increase revenue. With all of that, we have been able to take what was three years ago a city share of \$436,000 down to \$192,000 for next year.

Paul Hunter: One additional...are you still doing the airport runs?

Phil Floyd: Yes.

Paul Hunter: Are they considered revenue?

Phil Floyd: Absolutely...at a fully allocated cost. So...

Paul Hunter: So, they are dead-even or there are profits in it?

Phil Floyd: Well, it is. Our cost to do that is less than the actual revenue received for those trips.

Councilman McKay: You had talked to me about switching out some of the bigger cabs for the smaller van-type cabs. Has that test been completed yet?

Phil Floyd: No, it is still early. We just received the vehicle a couple of months ago. What Mark is talking about is that we are required by the State to have 50% of our fleet wheelchair-accessible vehicles. This past year, I purchased a smaller modified minivan that allows for wheelchair access, but the gas mileage goes from eight or nine up to eighteen. It is much smaller, easier to park, easier to maneuver. We are testing that out to see if over a period of time we can put three or four of those vehicles in service instead of the very large vans to save the fuel and we are thinking that is going to work out very well.

Councilman McKay: And on the longer trips, that savings would go to...

Phil Floyd: ...Yes absolutely. When we do trips for Job & Family, for instance, to Dayton or Cincinnati, medical runs, appointments we can take that instead of the big vans.

Councilman Wallace: I have a question. Are our drivers trained in CPR?

Phil Floyd: Yes. In fact, we just had refresher training from the Fire Department two weeks again. First Aid and CPR. We have a very stringent training program that is required by the state.

Paul Hunter: I have one more question. Where do you buy your gas? At the city pump?

Phil Floyd: Yes. The gas is bought in bulk by the city.

Councilman Jaehnig: All I can say, Phil, is over the last two years while I was unemployed, I used the City cabs quite a bit. It is a great service and they did a great job every time I rode them. We're very fortunate to have such a fine, first-rate run...

Phil Floyd: No question about it. I will add that it could not be done without the support of you all and the Mayor, of course. It is a service that is almost indispensable for the community. Especially now, with the need for transportation at a very, very inexpensive cost for healthcare, for training, for job opportunities, for the independence of our seniors and our disabled. I am proud to be a part of it.

President Ertel: Thank you, Phil. Great job. Also, I would like to mention a notice of legislative authority from the Ohio Division of Liquor Control. We have notice for the transfer from Twin Groups PH LLC of Rombach Wilmington to SCAP PH LLC dba Pizza Hut on Rombach Avenue here in Wilmington. This will be on file at the Clerk of Council in case anyone would be interested. Thank you so much. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. A couple of things...I think you have seen in the paper about Taking the First Steps Toward Ending Domestic Violence. I have a proclamation declaring alternatives to domestic violence awareness month 2010. I just wanted to bring that to your attention. I think it was in the News Journal. You'll notice some of the decorated ladders all over town with the decorations. This is in support of the campaign. The winning ladder was the Isle of Style Salon. Pam Whalen of our own PD received an award at the luncheon for excellence in response in domestic situations and caring for the victims. Deputy Sheriff Mike Starkey also received an award at the luncheon. I wanted to bring you up to date on that. Laura slipped a little thing in my packet here about the Girl Scouts. The local units now have a city bicentennial badge. Jeff Murphy who helps do those kinds of things, as you well know, helped them with this. If you know of anybody that might like to buy some of these for a sash or for their clothing. They will be available, and I think the Girl Scouts are going to sell them, and I hope they earn them for their own sashes.

Councilwoman Mongold: I do have some interest from a club. Do you know the cost?

Clerk Laura Curliss: Not very much. The cost is only about a dollar and a quarter. They're not very much. Jeff Murphy could help you out. He is placing the order soon, I think.

Mayor Raizk: So, let Laura know if you want them or if you have your own club that might be interested in them. Some of us, like me, nobody will have me, so I have to have my own club.

[Laughter]

Mayor Raizk: Also this week, I was asked to issue a welcome to the Grand Chapter of the Royal Arch Masons who had their convention here this week at the Roberts Centre. I did not guesstimate the crowd, but it was many hundreds of the Masons here. The little story to that is that several years ago, they came to Wilmington because there was a problem at the place where they were supposed to go and they couldn't go, so at the last minute they picked the Roberts Centre, who helped them out and they were able to hold their event. They liked it so much, they came back, which we were very proud to have them here. I just want to say for the record that Councilman Mead was bedecked in his finest and I can say, without revealing too much, that the large painting in the Statehouse

of Commodore Perry, he looks like a ragamuffin compared to Councilman Mead in his finery. I just wanted to say that.

Councilman Mead: Thank you, Mr. Mayor.

[Laughter]

Mayor Raizk: Anyway, it was a good time and I'm glad they are here, and all of those things do good things for the community. I hope they appreciated their stay. I think that is all I have.

President Ertel: Okay. Thank you, Mr. Mayor. Moving into committee reports - Asset, Acquisition and Use?

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

President Ertel: Thank you. Auditor?

Auditor – Auditor David Hollingsworth: Nothing, Mr. President. Oh, one thing. I hope Mary Kay included in the packet that you received an update through the end of August. Okay. I just wanted to make sure that you got that.

President Ertel: Very good. Let's move on to Finance Committee. Sandy?

Finance Committee – Chairperson Sandy Mongold: Sure, the first item tonight is an ordinance making supplemental appropriations. Are there any questions?

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4933 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making miscellaneous transfers. Are there any questions?

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

Motion passed

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4934 passed as read.

Councilwoman Mongold: The next item is a resolution authorizing the mayor to enter into an agreement with Dayton, Power, Light Energy Resources. This is an energy-savings program and we are guaranteed 15% on our power bill. Am I correct, Mayor, that there possibly is another 3% on the street lighting.

Mayor Raizk: That is correct. Dave is here. By entering into this agreement then that will guarantee us a 3% reduction. The two agreements are tied together. What we are doing is entering into an agreement with DPL Energy. This is similar to the type of thing that you do yourself personally. It is now available for the commercial and governmental user that gives us that kind of discount. It is a significant savings to us for the next year. I did not bring my copy here, but Dave I thought it was in the neighborhood of...

Dave Hinman: It between \$160,000 and \$165,000.

Mayor Raizk: ...it is well over \$150,000. That does not include the savings in the street lighting. It didn't include the street lighting. We think it is a great program and really will give us a great cost savings to do that.

Councilwoman Mongold: Thank you.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Authorizing the Mayor to Enter into an Agreement with the Dayton Power and Light Energy Resources Inc./Miami Valley Lighting, Inc. Regarding Receiving an Energy Cost Discount Through December 31, 2012, for Qualifying City Accounts, 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2215 passed as read.

Councilwoman Mongold: That is all. Thank you.

Mayor Raizk: Dave, is this your last meeting with us?

Dave Hinman: I hope to be at more city council meetings, but it will be the last time representing DP&L.

Mayor Raizk: Well, I just want to say publically, you are a long-time resident, but we have really appreciated your service with DP&L and how you have assisted the citizens of Wilmington, most especially the City here as well. We have had a great working relationship. Not everybody knows, but I have your cell phone number. When I have gotten into trouble, I have called you and you have always responded. I really want to thank you for your service. Enjoy your retirement.

Dave Hinman: Thank you very much. It has been my pleasure.

Mayor Raizk: Do you want to introduce your new charge?

Dave Hinman: Yes, I would. This is Jeremy Bryant. We are making the handoff officially tonight. A lot of you know Jeremy already. His deceased father was an attorney in town. He had a practice here for 35 years. He was born and raised here. He lives about a mile and a half out of town. He has strong networks with the community and I am very pleased to be able to hand the baton to him and have a reason to believe he will leave me in his dust. He'll do a great job for you.

Mayor Raizk: Well, welcome Jeremy.

Jeremy Bryant: Thank you, sir.

President Ertel: Excellent. Thank you.

Councilman Jaehnig: Can we have your cell phone number?

[Laughter]

Jeremy Bryant: I have cards.

[Laughter & Banter]

President Ertel: Okay. Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have one item. Most of the council was at our last committee meeting where Jerry brought up the fact that we needed a couple of pieces of equipment. He was able to find the grants to do this. We would actually like to do all three readings on this so we can receive the grant and buy this equipment. Are there any questions?

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

Motion passed

Director of Law read resolution by title only.

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2216 passed as read.

Councilman Wallace: That is all we have.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: 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 Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have two items tonight, Mr. President. The first item is the third and final reading on a resolution authorizing the submittal of a proposal with the Ohio Department of Transportation on a grant. That goes hand in hand with the public hearing that we just had on the transit authority. Are there any questions?

A motion was made by Jaehnig and seconded by McKay to give the third reading on the 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 Executing a Contract with the Ohio Department of Transportation upon Grant Proposal Acceptance.

Motion passed

Director of Law read resolution by title only.

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

Motion passed

President of Council declared Res. No. 2217 passed as read.

Councilman Jaehnig: The second item tonight are three readings on an ordinance repealing ordinance 2476 and adopting a new schedule to provide for the observance of legal holidays for City employees and declaring an emergency. Most of us were there for that meeting this week also. Are there any questions?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Repealing Ordinance 2467 and Adopting a Schedule to Provide for the Observance of Legal Holidays for City Employees, and Declaring an Emergency.

Motion passed

Director of Law read ordinance 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 ordinance by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 2218 passed as read.

President Ertel: Is there anything else, Rob?

Councilman Jaehnig: Not for Judiciary. Thank you.

President Ertel: Thank you. Safety Committee please.

Safety Committee- Chairperson Rob Jaehnig: We do have one item under Safety. It is three readings on a resolution accepting a gift. This is in regards to a radar detector that was earned, to be honest, by compliance by our police department in how we perform things. It will be nice to add to our police units.

President Ertel: This is probably not a detector, is it?

Chief Weyand: It is a [Inaudible for Transcription] to track people.

President Ertel: Yes. Because I have a detector.

Councilman Jaehnig: Sorry.

[Laughter]

President Ertel: It doesn't work, I might add.

[Laughter and banter]

Councilman Jaehnig: Yes, that is a Python II Radar Unit, not a detector.

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

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; Mead, 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; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2218 passed as read.

Councilman Jaehnig: That is all tonight. Thank you.

President Ertel: Thank you. Let's take a look here at Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Mr. President, there is no legislation, but I took the liberty of copying the most recent information from our Buy Local First Group website that they send out on a monthly basis. It looks to me, at a quick count, the month of October, in and around retail and entertainment events, we are going to have about 20 events this month. I won't read them all, but there are some things that are noteworthy. One is the Wilmington Wine Walk and hors d'oeuvres tasting the 22nd. There is going to be a General Denver Burns supper. I think our Mayor may be participating in that on the 23rd. Get Fit Screaming Five K is a charity-type event where they run screaming through the cemetery, I believe. The first time showing of the Rocky Horror Picture show is going to take place on the 30th, which is the Saturday night of Halloween weekend. Also, the downtown Wilmington Halloween Bash is during the day, which was a lot of fun last year here in the downtown, where folks can visit local merchants in costume and get gifts and treats. A month-long event is the 200 Years of Whispers, where you get to go in a group and visit haunted locations throughout the downtown. I talked to some folks who have done that. I guess it is a great lot of fun. You get a meal at the General Denver in addition. Samuel Walker's Haunted Basement. And, in November, everybody get ready for the Blue Jeans and Bow Tie Ball, which is a first time event as a fundraiser for Holidazzle. You'll hear more about that, I'm sure, soon. That is the 13th. Several of those things are Main Street sponsored.

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- In the absence of Service Director Larry Reinsmith, Mayor Raizk: No report.

Councilman Wells: Mr. Mayor?

Mayor Raizk: Yes?

Councilman Wells: May I ask a question? I was going to talk to Larry about this tonight. Do you know anything about the status of the recycling packer that we were going to get?

Mayor Raizk: Yes, I do. We have contracted for the packer and we hope to have delivery here very shortly. Here in about a week. We've kind of been looking at two or three things. Actually, we have a good used one that is being redone for us. We like it. We were kind of concerned about the import type truck versus a more traditional type truck. We have that. It doesn't have very many hours on it. They are getting it all painted up and fixed up. Instead of that hundred and some thousand, we are down around \$89,000. They are working on that. In fact, I think they have most of the upgrades done that we have asked for already. We should have it very shortly.

Councilman Wells: Are we going to have a snowblade on it?

[Laughter]

Mayor Raizk: We'll hang a snowblade on it.

Councilman Wells: Thank you.

President Ertel: Okay. Thank you. Safety Director? Anything from them, David?

Safety Director – Mayor Raizk: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Wallace to approve the Income Tax Report – September 2010, 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.

Mayor Raizk: One quick thing...I know you have a note in here about budget. We're currently doing the budget. You heard something tonight that we are looking at for all of our enterprise funds. When Phil was discussing the allocated costs of some of our administration departments, we are looking at allocating costs, under some kind of fair system, that are administered for our enterprise funds although they do everything. You know, they are administered from City Hall and they do report in the line, so we are trying to defray some of the administrative costs onto those departments, without putting a burden on them. We're not trying to put anybody behind the eight ball. We are hopeful that this will take some pressure off of the general fund by doing what we call allocating costs. We have checked with the state and it is done, as you heard about tonight, as part of our transit authority. We are hopeful to do that as well. This is something that you are going to hear about a little later as we look at budgets. We'll be looking at line items that will allocate costs. Sometimes people report to the Service Director or report to the Safety Director or work with the Auditor's Office, and those things have always been carried without the burden of their costs being allocated to that department and figured into the budget. There are some formulas that we are using and trying to look at that. That is just an FYI.

President Ertel: Very good. That sounds very exciting.

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

Dave Hinman: 2058 N. State Route 134. I am here at the moment speaking for DPL Energy. Thank you, Mayor David, to separate DPL Energy from DP&L. I just want to state how it has been a pleasure working with the Mayor and Larry and the opportunity to serve the City of Wilmington in this capacity. It has been my great pleasure to be a part of that. On behalf of DP&L, which I am speaking for Jeremy now, I wanted to let the City know that DP&L is in the process of changing out their electric meters and putting what is known as an ERT, which is an Electronic Reading Transmitter, which will enable meters to be read by a vehicle driving down the road, basically with sound waves from that...

TRANSCRIPTION INTERRUPTED – END OF TAPE

Dave Hinman: ...it will be good for the business and should be completely transparent to the citizens.

President Ertel: I actually had one of those put in about a month ago. Are you sure they use sound wave? Are you sure it's not radio?

Dave Hinman: Actually, it is radio. You know, I'm more a marketing person than an engineer-type. Radio has sound and sound has...you know.

[Laughter and Banter]

President Ertel: Dave, thank you so much for your service.

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

Geoffrey Phillips: President, the Mayor addressed budget planning for 2011. The income tax report we gave you tonight, as you look at the third quarter numbers which are through the end of September, for first time since third quarter of '04, 24-consecutive months, we have unfortunately broken our string of consecutive quarters of \$1,000,000-plus in collections. So, the estimate we gave you for budget planning...we thought we might have a chance to break a million, but it didn't happen. We're very anxious to see what 3rd quarter withholding has been in our community. Those checks will not come in until the last days of October. I know the Auditor's Office is asking for an estimate for 2011, and we will have to wait until the early days of November to get that to you, to give you an official number. Two things will happen: October will give us the best assessment as to what has happened to employment in the community and then secondly, as I shared with Finance Committee, we have a number of businesses that took extensions and those extensions are due in October. We will see if we have a chance to pull back above a million. I did want to make sure that you were aware that that is the first quarter since third quarter of '04 that our collections were less than a million dollars

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

Rhoda Alale: Dr. Alale gave her address 1282 Ridge Road in the Warren Knolls area. She asked that language in the City of Wilmington's Green Enterprise Zone legislation be amended to include not only sustainable energy in terms electricity and fossil fuels but to include sustainable human energy as well. Alale stated that Wilmington has problem with environmental toxicity that causes humans to be unable to hold vitamins, minerals and enzymes in their body. She states that there has been, in recent years, a rise in cancer, autism, and neuromuscular disorders in humans (especially children) and pets and that that the EPA has identified Clinton County as a Zone 1 for ionized radiation and that ionized radiation poisons the human body. She stated that she has spoken to the Health Commissioner who says that they are not authorized to do any preventive activities. She stated the director of the local hospital also says there is nothing in the budget available for these activities. Dr. Alale would like to get discounted radon test kits for the citizens of this county through a program Ohio Department of Health. She asked council to draft a letter to request these free testing kits and do a public health campaign. She spoke in detail about the issues electromagnetic fields in the home due to increased technology and explained how these fields cause cells to spin backwards. She discussed her personal health problems as a result of these environmental issues. Dr. Alale stated that she has developed the first bio-harmonizers to sustain human energy. She went on to say that she has backing from the Cleveland Clinic in developing this shield and hopes to be able to distribute them locally to citizens with health issues associated with environmental energy toxicity. She went on to say that she would like to tie the manufacturing of these shields in with the Green Enterprise Zone. Dr. Alale stated that electrical devices and electromagnetic convergence in homes and workspaces have been identified as a national problem and allergy to electricity is now a medical diagnosis. She added that OSHA recently passed a law stating that if an employee works with anything electrical (even an electric pencil sharpener), the employer must provide them with radiation shielding. She then discussed ongoing harmonic shielding projects in progress in the community. Dr. Alale then did a demonstration, using Gary Hufferberger, of how environmental electrical and electromagnetic energies weaken the human body and how her bio-harmonizer reduces these effects. She stated that these technologies were born in Wilmington and that she would like to have an opportunity to engineer and manufacture the bio-harmonizers here; however, a firm in Mississippi has shown interest in them. Dr. Alale mentioned that January is the National Test the Radiation in your Home Month. She stated that she would like to see Wilmington set a precedent of leadership in the state and in the nation. She stated that we are the only Green Enterprise Zone, and we have the distinction of having the technology birthed in our community for sustainable human energy. She stated that the City of Wilmington could be the first municipal form that supports a technology directly for sustainable human energy. Dr. Alale thanked Council for their time.

President Ertel: Very good presentation. Thank you very much. Very interesting. Yes, Phil?

Phil Floyd: May I ask everyone in attendance to please sign a sheet over here indicating the attended the public hearing.

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 Mongold and seconded by Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, October 21, 2010, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

A motion was made by Mongold and seconded by Wallace 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 McKay to approve the minutes of the last regular meeting, October 7, as received. Motion passed.
Minutes approved as received.

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

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have a report this evening.

President Ertel: Well, okay. Let's talk about committee reports. Asset, Acquisition and Use?

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

President Ertel: Okay. Mr. Auditor?

Auditor – Auditor David Hollingsworth: I have nothing, other than I will be completing the current end-of-September report here in the next two days and I will distribute that out to all of the council members.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: I will mention that we do have budget meetings scheduled and if anyone in the audience would like to have a copy of that schedule, they can get it from the Mayor's office. The first item we have tonight is an ordinance establishing a new fund for the communication center upgrade.

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Ord. No. 4936 passed as read.

Councilwoman Mongold: The second item tonight 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4937 passed as read.

Councilwoman Mongold: The third 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4938 passed as read.

Councilwoman Mongold: That is all. Mr. Auditor, I would ask that when you get those reports do you think maybe we could schedule a finance meeting?

David Hollingsworth: Sure.

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 – In the absence of Chairperson Peterson, Councilman Wells: In Cindy's absence, there is no report. No...wait a minute...

President Ertel: We have two pieces of legislation.

Councilman Wells: Okay. This is the first reading on an ordinance amending the traffic control map, making the alley between Mulberry and Spring Street two-way from Mulberry Street to a point just west of Zeigler's Pharmacy. Are there any questions?

Clerk Laura Curliss: I think we have some discussion.

President Ertel: Larry?

Service Director Reinsmith: I looked that over pretty good, and I think all we really need to do is pass the ordinance, but just take the one-way sign down right there at the church. Because anywhere in that block, you can go left or right up to the alley. There is a do-not-enter sign at the alley that won't let you come back that way, but if you come out of Zeigler's you can go left or right. Coming out of that parking lot, you can go left or right...you just won't be able to come in from that alley. The problem is it was the line of sight at the alley. So, I think all we need to do is make it a two-way within that one block from Mulberry to Spring Street...

Mayor Raizk: But leave the do-not-enter at Spring Street so that you cannot turn from Spring into the alley from either direction, left or right.

Service Director Reinsmith: They were trying to come up with the footage, trying to break it one way from a certain point...with arrows going this way and arrows going that way.

Councilman Wallace: That matches the intent of the committee anyway.

Mayor Raizk: Yes.

Councilman Wells: That's a good idea.

Mayor Raizk: That way, folks can turn in and get into the church parking lot or folks from Zeigler can go either way, or all of that would work.

Service Director Reinsmith: It just makes it legal when they are turning out of there.

Councilman Jaehnig: Does this need to be amended?

Clerk Laura Curliss: Yes. Do you want to propose an amendment, Larry?

Service Director Reinsmith: What do you want to say?

Law Director Kathryn Hapner: I think all you have to do is take out that subparagraph A. Just take it out so it would be two-way from Mulberry to Spring.

[Discussion regarding how to amend ordinance]

Law Director Kathryn Hapner: Now, the subsection A would say, "that the alley between Mulberry Street and Spring Street that is adjacent to and south of St. Columbkille Roman Catholic Church will be two-way from Mulberry to Spring Street...period.

President Ertel: Excellent.

Mayor Raizk: Do we want to say "no admittance from Spring Street."

Law Director Kathryn Hapner: Well, that's already there.

Mayor Raizk: It's already there, so we are not making a change.

Law Director Kathryn Hapner: We're not making a change, so we will just leave that.

Mayor Raizk: We're not amending it, because you really haven't read it yet, is that correct?

Law Director Kathryn Hapner: Exactly. Now, it can be before you in this form.

Councilman Wells: So, all we need to do now is make a motion for the first reading?

Clerk Laura Curliss: Yes.

A motion was made by Wells and seconded by Wallace to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File.

Motion passed

Director of Law read ordinance by title only.

Wells requested that the second and third reading be on the Agenda for the next meeting.

Councilman Wells: The second item tonight is three readings on a resolution authorizing the mayor to submit a grant application for the "Safe Routes to School" program through the Ohio Department of Transportation and declaring an emergency. Are there any questions or discussion?

A motion was made by Wells and seconded by Wallace to give the first reading only on the resolution Authorizing the Mayor to Apply to the Ohio Department of Transportation for “Safe Routes to Schools” Funding for Two Sidewalk Projects in the City of Wilmington, To Wit: On Truesdell Street and on Nelson Avenue and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2219 passed as read.

President Ertel: Don, thanks for standing in. We appreciate it. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, we have no report tonight, but I would like to ask Larry a question about the recycling packer. Have we got it yet?

Service Director Reinsmith: No. They are doing a rehab on it. I'd say in the next thirty days, we will have it operating. We have all of the bins. Donnie has a program on how they are going to disburse those bins. They will be in operation.

Councilman Wells: Very well. That's all, Mr. President.

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item tonight, Mr. President. Tonight we're going to put forth three readings on a resolution authorizing the Mayor to sign a union wage extension agreement with the FOP and the Ohio Labor Council. This allows us to continue moving on while negotiations continue, which is a good thing. We would like to put that in place tonight so that is good to go. Are there any questions in regards to this?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing the Mayor to Enter into a Union Wage Extension Agreement with the FOP, Ohio Labor Council, Inc.

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; Wallace, yes; Mead, 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; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2220 passed as read.

Councilman Jaehnig: That is all for us this evening.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item on the agenda tonight: three readings on a resolution accepting a grant award. It is a grant award for \$140,000

from the U.S. Department of Justice for upgrades to the City of Wilmington communications center. This is sorely needed. I would like to ask for three readings so we can get moving on this as soon as possible. Are there any questions?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Accepting a Grant Award of \$140,000 from the United States Department of Justice for Upgrades to the City of Wilmington Communications Center.

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Res. No. 2221 passed as read.

Councilman Jaehnig: And that is all for Safety tonight.

President Ertel: Thank you very much. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – No legislation, but there is going to be a lot happening around the 30th, around Halloween. We will have our downtown trick-or-treating, which is a great time for adults and kids alike, with a lot of the stores open and passing out treats and so forth. It was a good time last year, and I know it is even better this year. We have a movie at the Murphy for kids that evening. And then we have a movie for adults at midnight: The Rocky Horror Picture Show, complete with actors and it should be interesting.

Law Director Kathryn Hapner: Should we bring our rice?

Councilman McKay: I think you can purchase it as you enter.

Councilwoman Mongold: I believe there are 50 businesses participating in the Halloween.

President Ertel: Excellent.

Councilman McKay: So, it is going to be a great time. That's all I have, Mr. President.

President Ertel: Very good. Thank you very much. Parks & Recreation?

Councilman McKay: I did forget the wine walk tomorrow night, and I expect that has a lot of folks signed up for it. I don't know if it is sold out or not.

Councilwoman Mongold: They have just about sold 100 tickets for that and ten businesses are participating.

President Ertel: Excellent. How about Parks & Recreation? Mike?

Parks and Recreation Committee - Convener Mike Wallace: We have no report, Mr. President.

President Ertel: Okay. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Is there anything from Safety?

Safety Director – Mayor Raizk: No report, Mr. President.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer's Report – September 2010, 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 St. I would like to take this opportunity to compliment Mr. Wells and the Law Director on their actions in our Southridge neighborhoods. The four counts that have been longstanding, it looks like there is a chance that they will be rectified. I would request that the press, you do what you want, give this some notoriety so that people will see that we are not letting all of this stuff go down without taking action against them. This is at Lytle Place, if you are so inclined. Thank you.

President Ertel: Okay. Thanks, Paul.

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

Scott Kirchner: 245 S. Mulberry St. I read the article in the News Journal on the criticism of salaries for some of the city employees and had a concern that I did want to bring up. As council knows, I was here previously having experienced a house fire at a property I own and establishing at the time that due to the reduction in personnel, it was a mere coincidence that we did not have another activity that would have taken firefighters out of the fire house and would have resulted in a loss to the structure. In reading President Ertel's comments on safety, I am very concerned. As we talk about staying on top of the information and the statistics show that we are safe. I don't think the voters have put you here to gamble on our safety and I think we need to look at those administrative salaries and get the emphasis back on safety. Thank you very much.

President Ertel: Thanks, Scott.

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 Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, November 4, 2010, with President Pro Tem Sandra Mongold presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

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

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the last regular meeting, October 21, as received. Motion passed.
Minutes approved as received.

President Pro Tem of Council – Sandy Mongold: Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Madame President Pro Tem. I don't have a report tonight other than to acknowledge our community has diminished this week with the passing of Dr. Jack Boyd. He has been an integral part of our community for over 60 years and he certainly has done a tremendous amount for the healthcare of the citizens of Wilmington and Clinton County. Although we are saddened by his passing, he was not just a great doctor, he was a great family man, and he was also great citizen of the community. He was very interested and active in many community activities. He has left us a great legacy, with his work with the hospital, certainly, and with the cancer center – two shining stars of our community. I just wanted to make note of his passing and wish the family well. He was a great, great, great citizen of our community. That is all I have.

President Pro Tem Mongold: Thank you. Committee Reports. Asset, Acquisition and Use?

Asset, Acquisition and Use – Chairperson Sandy Mongold: I have no report.

President Pro Tem Mongold: Auditor?

Auditor – Auditor David Hollingsworth: I have no report.

President Pro Tem Mongold: Finance Committee, from way over there.

Finance Committee – Councilman McKay: We have one item, which we will only be able to do one reading on tonight. It has to do with landfill architecture. Are there any comments?

Mayor Raizk: Just to let everybody know, what we are doing is transferring this money out of the landfill architecture. The engine went out of our pan, and it is an old, old piece of equipment. We are going to replace it with a trackhoe and a truck. This will be much more modern and actually a little more efficient than the old pans. We've looked at replacing the engine and what needs to be done to the pan, and it is more than half of the cost of a new piece of equipment. So, this money is out of the future where we carry money in there for the western expansion, so that is not imminent at this point. We are going to transfer that money out so we can get these items purchased so we can get to business right now. We are having to rent...we are contracting to get that done until that happens. I don't believe we need a special to get this done. I think we can do it at the next meeting to finish it up. We probably will have to have also an ordinance to be able to acquire something without bidding. We have some good, late-model used pieces of equipment located.

Councilman Wells: I was kind of caught off-guard by this. I didn't know about this. If we spend this money, is it best to spend the money or have we looked at financing?

Mayor Raizk: Yes. We did. Well, we are financing the new loader. In fact, I just signed the lease today. We've looked at this. Since we have the money, there is no reason to pay interest on it. We can buy a used piece of equipment. If we were buying new, I would go the financing route, but with this we can buy a really good used piece of equipment and save the city a lot of money. It is about half.

Councilman Wells: So, we can be assured that this will not cause our trash rates to go up.

Mayor Raizk: Yes. We are just deferring some of the money that we had put in there for the western expansion. You know, it is several years down the road anyway. It was just out of the engineering and architectural line item.

Councilman McKay: Any other questions or comments?

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

Motion passed

Director of Law read ordinance by title only.

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

Geoffrey Phillips: I had a call early this week that based on your actions tonight, they wanted a check signed tomorrow. Is that something different? It was for the landfill.

Mayor Raizk: No. That is in the budget...the lease on the loader. I signed those papers today. This does not have anything to do with that.

Geoffrey Phillips: The comment was that whoever we were buying from would not release the equipment until they had a check. I was to call the guy.

Service Director Reinsmith: It wasn't the recycling bin truck was it?

Geoffrey Phillips: I am confused.

Mayor Raizk: This is for...we haven't even bought this piece of equipment.

Service Director Reinsmith: We haven't selected it yet.

Mayor Raizk: We haven't even selected it yet. We were just transferring an amount of money that we knew we could have and that is what we are going to use to buy it out of. It is not the same piece of equipment.

Geoffrey Phillips: I just know the check was not in last night's check run. You had to do something tonight so it could be signed tomorrow.

Service Director Reinsmith: The recycling...you have that in a line already.

Mayor Raizk: Geoffrey, I don't think we have to do it tonight. I think we had to do something today, which was sign the lease agreement on the loader, which I did this morning.

Geoffrey Phillips: I just know that they asked about a check.

Mayor Raizk: Right. Yes, but that has nothing to do with this item.

Geoffrey Phillips: Thank you.

President Pro Tem Mongold: Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Jaehnig: No report.

President Pro Tem Mongold: Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: We have the second reading on an ordinance amending the traffic control map. This is about the alley between Mulberry and Spring next to the Catholic Church. Are there any questions or discussion?

A motion was made by Wells and seconded by Jaehnig to give the second reading only on the ordinance Amending the Traffic Control Map.

Motion passed

Director of Law read ordinance by title only.

President Pro Tem Mongold requested that the third reading be on the agenda for the next meeting.

President Pro Tem Mongold: Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: I have nothing on the agenda tonight; however, I would like to ask Larry again about the packer...the status.

Service Director Reinsmith: I think we're...

Mayor Raizk: I know about it.

Service Director Reinsmith: Is it next Thursday?

Mayor Raizk: Actually, we got an update...because I said, "Don wants an update."

[Laughter]

Mayor Raizk: They lost about four days, probably a week ago, they had a problem with their sandblaster, because they are sandblasting it and then repainting it. They should have the unit back from the paint shop on Monday or Tuesday the 9th, which would be next week. Then, from there, they need about two days to finish their end of it. I think late next week we should be okay and have it here.

Councilman Wells: And then we can distribute the bins.

Mayor Raizk: Don is working on a plan. He is working on a plan with one of the clubs at the High School, I think it is the Interact Club, as a public service project to do the distribution of the containers. I think that's a good idea too.

Service Director Reinsmith: Now, talking with Don, you know he has repeat recyclers every week, and they know those lists pretty well. I think they are going to go ahead and deliver those right off the bat. I know they want to set up down here in the lobby too for people to come and get them as they start this process.

Councilman Wells: So we should be able to have our bins at the curbside before the end of the year, then.

Paul Hunter: Is everybody getting some, or do you have to tell them? Do you have to request? It makes more sense because you know you're not going to have 100%....

Service Director Reinsmith: I told Don, I could see these bins being in a garage being loaded up with nails and screws and parts.

Mayor Raizk: Actually, Paul, you're right. That is what Larry was saying. The first shot around is going to be – I mean, they know really the households that recycle. They know them to the letter. They have them on a list, so those folks will get them first and then we have some point-to-point. Folks will be able to come and say, "Hey, my neighbor's got one. Where do I get one of those?" and do it that way. This way, it is not just go to every house and drop one off because, like Larry says, if you're not going to recycle, there is no sense in giving you one.

Paul Hunter: [Inaudible for Transcription]

Service Director Reinsmith: ...and he said that Tuesday route, Geoffrey...

Geoffrey Phillips: Bring them on; we're ready.

Service Director Reinsmith: ...he said there are about 700 pickups on that route and about 300 recyclers in that group.

Councilman Jaehnig: So, if for some reason a household is not using the bags currently, whatever the reason that they chose not to use them, but they want to recycle, they need to call.

Service Director Reinsmith: They can call the landfill.

Mayor Raizk: He's working out the distribution plan.

Geoffrey Phillips: For instance, every bin has a number that is going to be registered to that residence.

Service Director Reinsmith: Right. We ordered 4000. Donnie has talked to the recycling people in Columbus. They say he needs to go ahead and submit another order. They last about a year and a half. They get cracked; they get stolen.

Councilman Wells: Do we need to work on some sort of legislation to by law protect those bins from theft.

Paul Hunter: Whose property are they? City property?

Councilman Jaehnig: [Inaudible for Transcription] you're still in trouble. I don't think we need new laws.

Service Director Reinsmith: Probably, if you stole somebody's trash can they could have you arrested, Don.

Geoffrey Phillips: Are you talking about the contents of the bin or the bin?

Service Director Reinsmith: The bin.

Councilman Wells: The bin itself. We've already got legislation to protect the aluminum.

Mayor Raizk: I think they're city property at this point.

Councilman Wells: That is all.

President Pro Tem Mongold: Wastewater/Sewer Committee?

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

President Pro Tem Mongold: Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: No report.

President Pro Tem Mongold: Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President Pro Tem Mongold: Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I think we had a rocking Halloween weekend, with yahoos all over the downtown, movies being shown, a picture show that lasted well into the night at the Murphy Theatre, which was sold out or awful close to being sold out. We got the job done, and we're coming into the Christmas season and Holidazzle. Just come downtown and have a great time.

President Pro Tem Mongold: Okay. Parks & Recreation?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilman Wells: No report.

President Pro Tem Mongold: Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Pro Tem Mongold: Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Income Tax Report – October 2010, as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: Before we open it to the public, I would just like to mention that you do have before you the general fund report through October 31. If you'll take that home and look through it. If it you have any questions, you can call the Auditor's Office. A reminder that the next meeting, November 18 at 6:00, prior to the meeting, is a finance work session to discuss the budget, so mark that on your calendars. Does council or anyone from the audience have anything they would like to say this evening?

Paul Hunter: I just have a couple of questions. A year or two ago, council voted some money to reline the sewer mains up on the north. We did some last year. I talked to Don or the guy there, and they said maybe we are going to do some more this year. Is that money already sitting there just waiting to be used? Is that how that is?

Service Director Reinsmith: Yes. They got sidetracked with that big problem down there at Swindlers. But, I know we met with Harry and the Mayor the other day, and he said the EPA really needs him to get some more of that work done still this year. They have him on a schedule every year.

Paul Hunter: Yes, before the rains come. One other question. Are we going to haul our recyclables to Cincinnati or has that been turned down?

Service Director Reinsmith: Well, Donnie is trying to find the best location at the best...

Paul Hunter: Oh, you're searching...

Service Director Reinsmith: That truck is a 16 yard, so he can load the whole week's recyclables and make one trip.

Paul Hunter: So, you don't know how much they are going to charge.

Service Director Reinsmith: That is what they're working on right now.

Geoffrey Phillips: Larry, do we have an update on the Prairie project at Lowes drive. I think you last mentioned that it is going to be done this year.

Service Director Reinsmith: It is being engineered, but we are not going to be doing it until spring. I've already sent in an extension to Ohio Public Works.

Mayor Raizk: The reasoning is, there was a way to rush it through to the end of the year, but the people had seen enough orange barrels in Wilmington for most of the summer, so we thought we would just spare them until next spring.

Geoffrey Phillips: And I understand that, but I watched a pedestrian today have to go down into the ditch, and there are a lot of people who walk and ride their bikes in that stretch, [Inaudible for Transcription] People are walking that stretch anyway.

Mayor Raizk: I understand that, but the reality of it is, if we did start it this year, it would not have been completed this year anyway. We would have had a construction mess that would have held over until the next season.

Service Director Reinsmith: Like Nelson Road was last winter.

Mayor Raizk: We just decided that we had better knock it out at one time and get it down, because the snow is going to be flying here pretty soon. We also have that other project.

Councilman Wells: I just want to thank Paul Hunter for his neighborhood awareness and letting me know what is going on in the neighborhood and helping keep up with the zoning violations and trying to get things fixed. I appreciate it. Thank you.

Councilman Jaehnig: Just real quick, it is Holidazzle season. I just want to mention. We are in full swing. We are still accepting applications and registrations for some floats. We are still accepting registrations for entertainers and vendors. If you are a vendor with a craft or if you are a nonprofit looking to make a little money on the side, we are still looking for those. The biggest thing is, is we really do run this particular festival on a shoestring. Our budget is only about \$1500 this year, but we haven't come close to meeting that goal yet, so we are still seeking funding to finish off what we are attempting to do. To be honest, if you took that into consideration the number of people that come into town, to pull off a festival of this size for \$1500 is incredible. So, we still need funding and need some help. If everybody would put the word, we would greatly appreciate it. They can contact me directly or Molly at the General Denver and we would be happy to assist them in any of their requests.

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 Wells and seconded by Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, November 18, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Mead, 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 Mead to approve the minutes of the last regular meeting, November 4, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: I would like to mention here, we have a notice of legislative authority from the Ohio Division of Liquor Control for a transfer from Yamuna LTD dba Shop & Go at 1089 W. Locust Street to Locust, Inc. dba Shop & Go, 1089 W. Locust St. Wilmington, Ohio. This will be on file at the Clerk of Council if anyone would like to see that. At this time, I would like to recognize Steve Brown, please, to talk about the Main Street Wilmington reports.

Steve Brown: I have not met with you guys for a few years now, and I apologize for keeping you updated on what Main Street is doing, so that is why I am here...just to give you an overview of what we have done over the past years and what we expect to see in the upcoming year. Of course, we are always concerned about how the downtown looks, so we hung the mural parking lots lights, we decorated the urns with seasonal decorations, we hung flowers up high over the past few years, initiated three pole replacements from DP&L, which have been replaced, coordinated and raised funds for the pocket park wall and the new fence that you see out front, which I think looks beautiful. We have also sold over 100 fan flags for the Bicentennial Celebration and have hung those. We have recently taken down most of them, which was a challenge in itself for this guy who is scared of heights. We continue partnerships with the business resource center in educating entrepreneurs. We held classes at Wilmington College. We also take a history class from Wilmington College around town twice a year to show them building restoration do's and don'ts, and we have great examples of both, fortunately and unfortunately. We continue a partnership with Clinton County Live, which is an initiative of Rob Stuckert's of musical education and placing live musicians into venues downtown, the New Wilmington Community Arts Collaborative, which we have partnered with to put art in the windows of downtown and the new art studio in cooperation with South Street Gallery and John Schum. Of course, we continue our partnership with the Murphy Theatre and events. We all know the farmer's market is downtown, the initiative is downtown as a result of Main Street along with artisans and musicians who are now there. They have taken on a life of their own, which we are very proud of. They are doing great. Of course, also Buy Local first was birthed out of downtown through Main Street along with Chris Schock and Regional Planning and the energies of Energize Clinton County, which has turned it from a downtown Buy Local promotion to actually a Clinton County-wide promotion. Of course, we are known for our events and that is a very, very small part of what we do. We'll run through those very quickly. Lunch and Learns, you may not know about, which we help entrepreneurs and have a lunch in the city building here on a monthly basis. We do ribbon cuttings for opening businesses. We've continue the Brown Bag Lunches – pick up lunch from any of your local restaurants or bring one from home, come to the theatre, and enjoy some great live music, like Danny Mongold.

[Laughter]

Steve Brown: We initiated the DGA tour, the Downtown Golf Around, 18 putt-putt golf holes set up in 18 businesses. Fifty golfers were there the very first time. We put on for

the first time a progressive dinner, which we had sold at 60 eaters – people eating – diners? What were you mayor?

Mayor Raizk: I just got a drink...

Councilman Jaehnig: That was the wine walk.

Steve Brown: Now we'll go onto that. We have the Wine Walk. We sold a hundred tickets to that. It is sold out.

Mayor Raizk: That sold out. I couldn't get in on that one.

Steve Brown: I know. You had to get in quickly on that one. We look forward to that this year. One hundred people participated in that and got them into 10 businesses downtown. All of these are for the reason of getting people that don't know the businesses downtown, to get them into those stores that they've never been into. It's lots and lots of fun. It has exposed new people to new businesses. Our second annual Halloween Bash brought a couple hundred kids downtown along with a couple hundred parents, grandparents and guardians. We'll continue the Holiday Open House again this year and all the gift certificates drawings and Winter Wonderland thanks to Councilwoman Mongold. Again, we will be hosting thousands of people downtown for Holidazzle. It has been a real pleasure to be part of that initiative and a strong partner in that, and I appreciate Councilman Jaehnig in heading that up again this year. So on numbers, we're still at about a 5-7% vacancy rate, which is very, very, very good for our town. We are at a nearly zero percent vacancy rate as far as residents downtown, thanks to Laura Curliss' hard work and Wilmington being a Main Street Community, she was again able to secure the Tier II grant for \$400,000 for improvements downtown. Our volunteers have put in over 1,500 hours each year in downtown. We continue on our National Accreditation for seven years now. I've been a certified manager now for three years. We certainly thank the City for our new streets and sidewalks. It has been a pain, but nothing but compliments now. We knew all we had to do was see ourselves through this and it would be a positive aspect, fantastic for downtown revitalization, so thanks to all of you. Also thanks for my office downtown. I haven't been able to officially thank you for that. For those of you who don't know, I now am in the very corner office of this building that was unused and looking at cutting all of our costs, we greatly appreciate that corner. I enjoy it there, it is a little teeny-tiny, but that is a great place to sit and watch people. So, that is all of what we have done. I thought I would let you know what we have been doing in the upcoming year. Our biggest challenge and probably our most difficult project we're going to try to take on this year and that is to try to increase sustainability activity. We are very good at bringing lots of people downtown at one time and then it is quiet. Then we bring lots of people downtown and then it's quiet. We want to bring those quiet times up a level. So, we want to create an atmosphere downtown. Some of you have already heard me preach on this. It's very easy to go to a neighboring town center, like The Green or up to Columbus and observe what people enjoy. We want to create those things in our downtown – to create an atmosphere that people just want to be there, in particular on Friday nights. These items would be live music or music that has been recorded if it can't be live. Lights in the trees. With the sidewalk replacement we are able to put conduit under those sidewalks to run wires to run lights to put in the trees. Tables with umbrellas. Art in the windows. A water feature. Like I say, our goal is to have live music in every restaurant every Friday. Several of the restaurants have already taken that initiative to have live music and it's a big draw to the downtown. Of course, we're thankful to those who have taken that on. So, on Friday nights we want to, and this is the hard part, is getting all of the shop owners to stay open on a Friday night, and keep the theatre open on a Friday night so people would want to come downtown, eat, catch a movie, catch a show, just walk around downtown, look at art, enjoy a water feature type of thing. So, we are working toward that. We are going to maintain all of the other things that I had mentioned to you, other than the fan flags, I'm not going to do that again...at least not for another hundred or fifty years.

[Laughter]

Steve Brown: That is all I have. Does anyone have any comments or questions for me while I'm up here.

Councilwoman Peterson: I have a quick question. The Lunch and Learns you have at City Building, what kind of topics do you have?

Clerk Laura Curliss: We had Pam Stricker come talk about how to market your business using newspaper advertising, we had one on retail in detail, on quality retail customer service practices, new business owners orientation and what resources are available, a downtown grant one.

Councilwoman Peterson: I just wanted to get feel for it. Thank you.

Steve Brown: Thank you, Mr. President.

Paul Hunter: [Inaudible for Transcription]

Steve Brown: We are going to keep the third Fridays.

Councilman McKay: Steve, before you walk away, as one of the individuals who have been part of this group, Sandy and Geoffrey, if he is here, we've seen just a tremendous growth of the Main Street Group and accomplishments. You certainly are one of the accomplishments and it is much appreciated.

Steve Brown: Thank you, sir. I appreciate that.

Councilwoman Mongold: I just want to mention that the Main Street program is actually part of the Downtown CIC. They have done a tremendous amount for the downtown also in terms of development.

President Ertel: I would like to recognize Assistant Chief Weyand to talk about the GovDeals report.

Assistant Chief Weyand: Earlier this year we created an ordinance allowing us to enter into an agreement with GovDeals.com to auction off surplus or declared surplus property for the City of Wilmington. That ordinance is set to expire this year, and so we need to renew that ordinance so that we can continue selling surplus items next year. I was invited or asked to give a status report on what we have sold and what we have accomplished so far. To date, we have made \$22,156 off the stuff we have sold as surplus items. With the exception of two vehicles from taxi cab, the rest of that stuff is just items that we've sold that were surplus property for the police department. We're only about halfway through the items within the police department to sell. We still have a bunch of junk cars that are in our impound building or our impound lot. We have a motorcycle that is about three years old that was seized, computer-related equipment and stuff like that to sell, and then we still have other equipment from other city agencies that has been declared surplus property to sell. Some notable sales that we have had: We sold two taxicabs from the cab company. They were vans, 2003 model, GMC vans. One went for \$5800 and the other went for about \$7600. They typically sell at our local auction at about \$1500 or maybe \$2000 a piece, so we tripled what we made on those. Some of the other stuff that we sold, we are always inundated at the police department with bikes. Typically they sell for \$1-\$2 a piece at standard auction. We've been selling them in lots of five and they've gone anywhere from \$60 a lot to \$160 a lot. We've had items sell as far as Vermont, Maryland, Dayton, Columbus. I am not sure how many have gone west, but I know we have sent them to Maryland, Vermont, a lot to Columbus, a lot to Dayton, and far-reaching places that we've sold items. With that in mind, I just want to give you an update of where we are at and with the notion that next month we need to have an ordinance in reference to continue to sell items on GovDeals. I'll take any questions if you have any.

Councilman Wallace: Is that the gross income or is that net?

Assistant Chief Weyand: Actually, \$23,986 is the gross, and GovDeals fees are \$1800, so we have netted a little over \$22,000 and, like I said, we're only half-way through what we have to sell.

Councilman Jaehnig: Do you know what our best year was before?

Assistant Chief Weyand: We have exceeded our best year. The best year was in '08, if I recall, and it was just a little over \$20,000, like \$20,100. So, we have already exceeded that and we're only halfway through what we have available to list. What we have been doing is, during the summer months with all of these cars in the impound lot, the cars are sitting on their frames, they have been sitting there for a while, they are DUI cars that the people who were arrested left state or whatever. We've been stuck with these things. We get the titles for them and these are the vehicles that we end up auctioning off. We have a few vehicles that were seized out of a pursuit, drug-related seizures and stuff like that, but most of these cars aren't worth scrap metal, and they are selling. For instance, we have a 1983 Chevy truck that will sell tonight at 9:00 that is sitting on four rims. It is right now listed at \$705 and there have been 33 bids on it. That would normally sell for \$50-\$100 at our standard auction. Like it said, they bring generous amounts of money and I thank everybody that has bought something from them. It has been a worthwhile venture for us.

[General comments of thanks]

President Ertel – Thank you, thank you so much and definitely we will make sure we have an ordinance to follow up with that, getting you on the program. That completes my portion, Mr. Mayor.

Mayor – Mayor Raizk: Seeing that Mr. Brown took all the time...No, I spoke enough at our pre-meeting so I don't really have a report Mr. President.

President Ertel: Very good. Thank you. 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: I have nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have tonight is a carryover from the last meeting.

A motion was made by Mongold and seconded by Peterson 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; Peterson, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4939 passed as read.

Councilwoman Mongold: The next item is a ordinance making supplemental appropriations. If there are no questions, I would move for the first reading. Yes?

Councilman Wallace: I see where on "f" we have from the general fund to EMS Billing Expense.

Councilwoman Mongold: Yes, we are required to pay an 8.5% fee for the services of the company that administers that and last year in our appropriations we actually underestimated how much we were going to receive so we would have more administrative fees to pay, so that is what's that is for.

Councilman Wallace: I guess my question is, the money that we receive, that goes into the General Fund?

Chairman Mongold – Yes it does. Any other questions? Good question.

Auditor – David Hollingsworth: Sandy I might just point out, Item B, pensions, the sum, I talked to Mary Kay about that one. That was just a miscalculation when we did the original project. We did not pick up the correct salary line item or salary amount when we made the calculations, so we were just short.

A motion was made by Mongold and seconded by Mead 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4940 passed as read.

President Ertel – Anything else, Sandy?

Chairperson Mongold – I would just mention again that November 29, which is Monday, 11:30 am will be our next finance meeting. Thank you.

President Ertel: I certainly would like to congratulate you and everyone of the team for working through the 2011 budget processes. It has worked out very well.

Chairperson Mongold: The department supervisors, Mary Kay, Mayor and David they all need to be commended.

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 pieces of legislation. The first is the third reading on making the alley between Mulberry and Spring Street two-way.

A motion was made by Peterson and seconded by Wells to give the third reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Peterson and seconded Wallace for passage of the ordinance.

Motion passed.

President of Council declared Ord. No. 4941 passed as read.

Chairperson Peterson: The second one is time-sensitive matter and I'm going to ask for three readings. This is for legislation for an ODOT paving project on Locust Street.

There is a budget amount in streets to pay for our portion. We budgeted \$50,000. We don't anticipate it will be that much. But the grant to pave Locust Street. Are there any questions?

A motion was made by Peterson and seconded by Wallace to give the first reading only on the ordinance Adopting Preliminary Legislation for ODOT FY11 Urban Paving Project, CLI-22D-0.92, PID 89011 and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

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

Director of Law 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4942 passed as read.

President Ertel: Anything else?

Councilwoman Peterson: We have nothing more.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer Committee?

Solid Waste/Recycling Committee: Chairperson Don Wells: Larry has something.

Service Director Larry Reinsmith: I just wanted to give you an update. Your recycling truck it is due to be in here tomorrow at 10:00 am. It is coming in from Indianapolis and it will take a few days to get it lettered, but we will be ready to put it on the road.

Donnie has worked out a little different plan on the distribution of the containers. He is going to hire Carl Estep, who is a recent retiree from the landfill, as a contractor, which can be paid for with some of the grant money. Carl, of course, is familiar with all the routes as well as recycling. He is going to distribute all those containers to those that recycle already, so it will go a lot quicker. Then he has talked with the Interact Group at the High School, and they are going to distribute all the educational material for the program too. We will be in business here.

Councilman Jaehnig: When do we expect distribution to start?

Service Director Larry Reinsmith: Maybe Thanksgiving week or maybe the week after.

Councilperson Peterson: Is it possible the truck could come and visit us at the next council meeting?

Service Director Reinsmith: I told Donnie, why don't you call the guy and have him get in here today instead of tomorrow.

Councilwoman Peterson: I mean, I would really like to see the truck.

Service Director Reinsmith: He said he would really like for you to see it with the letters done.

Councilman Wells: And the snowblade is on it, right?

Service Director Reinsmith: Yes.

[Laughter]

Councilwoman Peterson: Thank you.

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee: Chairperson Rob Jaehnig: Also no report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I think it was well covered by Mr. Brown, so I have nothing further to add.

President Ertel: Excellent. Parks & Recreation?

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

President Ertel: Okay. Mr. Service Director?

Service Director: Service Director Larry Reinsmith: No more report.

President Ertel: Okay. Thank you. Safety Director?

Safety Director –Mayor Raizk: No report, Mr. President.

President Ertel: Thank you. Before you have the Auditor-Treasurer's report for October 2010, plus the Hotel Lodging tax 3rd quarter of 2010. What is your pleasure with those please?

Councilman Jaehnig: One second Mr. President. Where are we at with Wilmington Inn?

Director of Law: Kathryn Hapner: Oh, we filed it and they have been served. Now we are just waiting for the court to set it for a hearing date or pre-trial date, whatever they are going to do. In that there are two counts in that complaint. One is for not paying the lodging tax, and the other is for not paying the income tax.

Councilman Jaehnig: So they have not paid either?

Director of Law: Kathryn Hapner: No, they haven't paid either. What's funny about it is they actually filed their return, and they withheld it from their employees wages. They just didn't pay it to the city.

Councilperson Mongold: How much are we talking?

Director of Law Kathryn Hapner: I'm thinking, Geoffrey? Was it like \$5400 in income tax...something like that. But the lodging tax we don't keep. I think it's seven or eight thousand dollars, I think. That's just off the top of my head.

Councilperson Peterson: The lodging tax...

Law Director Hapner: It's a flow-through.

Councilwoman Peterson: The lodging tax is paid is by the people who stay there.

Director of Law: Kathryn Hapner: Right, yes so Wilmington Inn has collected it, they just simply haven't paid it.

Councilperson Peterson: They've got the first part of the process down.

Director of Law: Kathryn Hapner: Yes. The collecting they've got down. The same thing with the income tax, they've collected it from the employees. It's been filed and they've been served. I'll call the court this week and ask if it is set for hearing.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Auditor-Treasurer's Report – October 2010 and the Hotel Lodging Tax Report – 3rd Quarter 2010, as received.

Motion passed.

Reports accepted as presented.

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

Councilman Jaehnig: I am glad to not be here today asking and begging for money for Holidazzle. With the help of the Mayor and Jeremy Bryant, DP&L will definitely help keep the lights on for Holidazzle and made a significant donation in order for us to go forward. I greatly appreciate our partnership with them in allowing us to do so.

[Applause]

Councilman Jaehnig: Holidazzle is full speed ahead. As of today, we had 70 entries in the parade. We have a street spectacular that we are looking forward to that will be immediately before the parade. We have entertainment in the courthouse, in the Murphy Theatre, the churches, and Books 'N' More, so it will be as big as usual. Especially with those with kids, Chester Friends Church is doing our kids activities in the Community Room here in the building. We will also have here in the building the Cincinnati Zoo. They will be downstairs in the lobby with their animals.

[Banter about the animals]

Mayor Raizk: Well, we have a history. Larry, shall we tell them?

Service Director Reinsmith: I was just telling Gary...

Mayor Raizk: Tell Gary about the last time we had an elephant in the building. The Jaycees decided we would have a circus inside at Hermann Court. We finally got the elephant to bend down and we took out the center of the post on that back door, Mike where you used to park. The elephant got in there, but the elephant had diarrhea.

[Laughter]

Mayor Raizk: ...and I remember the old equipment manager, Mabel. Oh, she was livid. We had to hose the ceiling, the walls... So when I heard "a zoo in the building," my antenna went up.

[Laughter]

Councilman Jaehnig: I am very happy to say that I have not had an experience like that and nor do we look forward to that. As a special note, I would like to specifically thank the employees of the city and the hard work that they end up putting into our event on a holiday weekend for them. Especially the police force, because of the size of the event not a single one of them get the day off. We end up putting them all to work. They all seem to be in a very good mood about it and take it for the event that it is. I really appreciate their support and their hard work. That is all I have.

Councilperson Mongold: Is that going to be broadcast on the web?

Councilman Jaehnig: Yes and we are going to be broadcast live on the web this year. A gentleman by the name of Lee Hendee will be video taping it and broadcasting it live on the web. Knock on wood, we'll see how it turns out.

President Ertel: What website?

Councilman Jaehnig: Go check on Holidazzle facebook.com. It's on there. I have no idea.

Larry Reinsmith: He is going to put it into the newspaper too, Fred.

President Ertel: Yes. If you would, that would be great.

Service Director Reinsmith: He's going to do it. I talked to him today.

President Ertel: That would be great.

Councilman Jaehnig: One of the new things, when you come to the parade this year, make sure you go to the courthouse lawn. We are doing a very large holiday card for the community as part of the Bicentennial. It will be kind of like a time capsule of those that were here in the county at the time. They are actually looking to hopefully also break a Guinness Record. The most signatures in a single card is 6,000. Their goal is 20,000 signatures for this card. It will be set up on the courthouse lawn on Holidazzle day, so make sure you stop over there and sign it if you have not. The Wilmington High School FFA is doing an incredible job, and we would never get Holidazzle on the street without them. Thank you all very much.

President Ertel: Very good. Thank you. Sounds great.

President Ertel again asked if anybody else wishes to address.

Paul Hunter – No report, Mr. President.

[Laughter and Applause]

President Ertel: Thank you, Paul. Excellent.

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 2, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace present; Mead, 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: The minutes from the November 18, 2010, meeting are not available for this evening; they weren't completed. We did have a holiday last week plus just a lot of great calls about Mr. Beck coming to town, so that somehow worked its way into it. So, we will be fine. We will get those before you for the next meeting. We will approve those plus the ones from tonight, hopefully, at the same meeting. That's the story on those. That does my portion of the meeting. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any report other than I want to thank all concerned. I thought our Holiday evening and day and the whole matter of events was just outstanding. It is amazing to me. You know, this started when times were a little better, and yet it has grown every year, even through some of our toughest times. It's just an amazing event. The word gets out and people are now calling in and saying, "When are you going to have it?" I just want to thank everybody. It was a great night to be in Wilmington. It was cold, but everybody's hearts were warm. That's all I have, Mr. President.

President Ertel: Thank you Mr. Mayor. Moving into 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: I just wanted to make a comment about what will be coming up under finance, the first reading of the budget for 2011. We have had a work session. All the department heads met with my office and with Mayor Raizk. Again, we can't thank everyone enough for all of the hard work that has gone into the budget. I know the Mayor has tried to hold the departments' feet to the fire and trying to lessen the blow on the general fund carryover as much as possible. I want to make sure everybody is aware that what we are budgeting for this year shows that we are going to spend about \$1.2 million more than what we are going to take in for the current year. We feel like we are going to have a carry-over balance into next year, probably about \$3.6 million dollars. So when you see the deficit, it is not a deficit in the general fund, we are eating into the reserve but it is not a net deficit. We won't be in the hole at the end of the year. Again, many of the department heads, we have tried to maintain the services at the level to make sure everyone in the city is safe without really having to make drastic cuts. I think we knew that going in when DHL made their announcement. I think there was planning done a head of time just to try to make sure that we could maintain the level of services that we were giving the citizens at that point and not have to make drastic cuts. Hopefully, some good things will happen with the economy and we will be able to weather the storm. But I just wanted to make sure that everybody was aware that when we say we are going to... You look at this and say there is a deficit of a \$1.2 million. We are just eating into the reserve that we are carrying over. And again, we project we are going to have \$3.6 million that we are carrying over. We projected a deficit of around a million dollars. I think Mary Kay looked at that for the last couple of years, but we never spent that much. A lot of people have the misconception that because the money is budgeted it is going to be spent, but I think the departments heads have been good enough to really watch what they have budgeted to make sure that there is no unnecessary spending. So we have never really spent the deficit that we have actually budgeted. Hopefully, that will be the case in 2011 and that is all I wanted to say. I just want to make sure that was clear with everyone.

President Ertel: Very good. Thank you. Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: The first item we have 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 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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4943 passed as read.

Chairperson Sandy Mongold: The next item we have is the first reading on the ordinance making appropriations for current expenses and other expenditures of the City of Wilmington, Ohio during the fiscal year ending December 31, 2011. I believe the Auditor has made his comment. We all have been in meeting. We had a finance meeting last Monday. With that, I move for a first reading.

A motion was made by Mongold and seconded by Peterson 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, 2011.

President Ertel asked for a vote.

Councilmen Mead and Wells voted – Nay. All others voted – Yea.

Director of Law read the ordinance by title only.

Chairperson Sandy Mongold requested that the second and third reading be on the December 16th agenda.

President Ertel: Just a question for those that voted Nay. Did you have the opportunity to go to the budget meetings? That is my only question?

Mead and Wells advised yes.

President Ertel: Thank you. Water Committee?

Chairperson Sandy Mongold: Excuse me, one minute. One more comment. We do have another finance meeting scheduled for December 13th, at 11:30 a.m. I would encourage anybody who has any questions or concerns about the budget to attend and, if needed, mark on your calendars that we will have a meeting on December 29 at 7:30 a.m., if we need to have that meeting. Thank you.

Councilman Jaehnig: The 29th, is that a Finance Committee meeting or is a Council Meeting?

Councilwoman Mongold: December 29 will be a Council meeting.

President Ertel: Thank you, Sandy. Water Committee please?

Water Committee – Chairman Wallace: No report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have no report.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling – Councilman Wells: Mr. President, I have no report tonight but I hope everybody got to see the new recycling truck out front. I have got my bin. I hope everybody's got a bin that needs one.

Mayor Raizk: May I say something, Mr. Councilperson. The bins were distributed, one of our former employees that knows everybody by heart who recycles distributed those bins and for the first go round. I want to say if you didn't get a bin and you want a bin, please contact either the billing office downstairs or the landfill directly. We will make sure you get a bin. We are going to start picking up the bins, now that the truck is here, on Monday. So the concept is, put it out with your regular trash and we are going to pick them up everyday. So don't hold over if you have some. I know that at my house, because the bags were big, we kind of waited until the bag got full before we put it out. But with the bin, put it out, we will start picking those up Monday. For those people that still have some bags, next week we will have the truck go round and follow that can pick up the bags, because we can't pick up the bags in this truck. That will continue for one more week. Starting on the 13th, we will no longer pick up the bags. So get rid of them next week, so we don't have to do double duty.

Scott Kirchner: If I could offer a thought for clarification, Mr. Mayor, because I just spoke with Donnie outside, so it doesn't get reported wrong and the phone rings off the hook. He indicated they are handing out the bins on the day of the trash pick up, not all of them went out today. Because we just asked the same question today.

Mayor Raizk: Have you gotten yours yet?

Scott Kirchner: No...

Councilman Jaehnig: Is your pickup day on Friday?

Scott Kirchner: Our pickup day was today.

Mayor Raizk: I am sorry, I didn't make that clear.

Scott Kirchner: But they are going out this week?

Mayor Raizk: Early in the morning, I was following the truck around the other morning on my way to City Hall and I'm a Monday pickup so I guess I got mine on Monday. I misspoke. That is clear. It is the day that you get it, so if you are a Friday pickup, which you are Friday?

Scott Kirchner: No we are Thursday. Actually, they were doing even and odd's. So, they will handing them out through next week, it is my understanding. But if people don't have one by the end of next week perhaps then they could call.

Mayor Raizk: But the point is, if you still have bags we will pick them up this week, this week coming, but we don't want to make two rounds. The whole idea is that one person can drive this truck and we could do it. We should be okay.

Paul Hunter: So after the 6th it is not valid. If I recall the paper said...

Mayor Raizk: The 13th. All next week, you will be able to put the bags out, but if you have extra put them out and we will pick them up, but after that we will do bins only.

Service Director Larry Reinsmith: He has put out about 500 already of the bins.

Councilman Jaehnig: I've got mine, I was presently surprised at the size.

Mayor Raizk: I was too, I thought they were smaller in my mind when you had it up here but, they look sizeable.

Paul Hunter: You get a second one if you needed it, right?

Mayor Raizk: Yes.

Councilman McKay: Am I correct in the assumption that they are going to be a little stricter on looking at what you put in there, and there will be some rejections if things are not in there that should be?

Mayor Raizk: We are going to have to watch it, especially with the bins. We always had the problem, it wasn't a huge problem, but there were always people that put garbage in a blue bag every once in a while, and it is kind of an unavoidable problem. We would get into that, we would pick it up but that was extra work to make sure of what was in it. Especially since the container is open, you will be able to see quickly what is in there. If it is garbage, they're going to leave it.

Councilman Jaehnig: One of the things Donnie was talking about was the cardboard. They can't handle the cardboard at this moment and the pizza boxes.

Mayor Raizk: That is correct. If you have box cardboard, it still needs to go down to the recycling.

Service Director Reinsmith: Box cardboard and the pizza boxes go right in the trash.

Mayor Raizk: No, I meant, you can take your corrugated cardboard to the place on West Main and put it in that facility.

Service Director Reinsmith: As long as you're not a business.

Councilman McKay: I was out at the location the other day and got their list of things that they're not going to accept, and you know, it is fairly long. I just wondered maybe if we ought to put something in the paper so that you don't have a bunch of...

Councilman Jaehnig: The put it in the bottom of the bin.

Councilman Wells: There is a pamphlet that you'll get.

Councilman McKay: Thank you.

Mayor Raizk: Donnie has looked at the Interact Club for also some education doing that.

Treasurer – Geoffrey Phillips: What are our plans over the next couple of months to utilize the Utility Billing statements to reinforce. We're in the midst of the Christmas season. People may have gotten the pamphlet; it will probably go with the Christmas cards. One of the reasons we went to the stuffed statements and are paying the additional postage was to share these kinds of communications. It seems to be an appropriate channel to refresh with the people in their monthly billing statement: don't throw out cardboard, do throw these out, and don't do that. Until people hear it three or four times, they aren't going to get it.

Mayor Raizk: We intend do to that.

Treasurer – Geoffrey Phillips: Not everybody get the Wilmington News Journal. We need a plan to do that.

Councilman Jaehnig: But, we wish they would, Gary.

Mayor Raizk: We are going to use all appropriate means to do some education on that. The other part of that is that also, just like any program that you start, there are going to be some sticking points and then as we get through that, we can begin to work to educate folks about what you can and cannot do. I'm sure there will be some rough places in the beginning, but we will work through it. One of the things is that is if you got to see the truck it will take about three tons, which is about the amount of recyclables that we pick up in an entire week. The truck will get full with five days' worth of recyclables and make just one trip to the MRF. If we start getting more and have to make another trip, at least it will be our truck making it and not have to contract for service. That's all I have.

President Ertel – Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee – Chairman McKay: Mr. President, we want to do a reading to defer the sewerage system rate increase. Are there any questions?

A motion was made by McKay and seconded by Peterson to give the first reading only on the ordinance Authorizing the Continued Deferral of the Sewage System Rate Increase Scheduled for January 1, 2011, for a Period of One Year, And Declaring an Emergency. Motion passed.

Director of Law read the ordinance by title only.

Chairman McKay requested that second and third reading be on the agenda for the next meeting.

Councilman McKay: That is all I have.

President Ertel: Good. Thank you. Judiciary Committee?

Judiciary Committee –Chairman Jaehnig: No report Mr. President.

President Ertel – Safety Committee?

Safety Committee – Chairman Jaehnig: We have one item tonight. The first reading on a resolution for the Mayor to enter into a contract with GovDeals. This is the auction that we've been doing for government city surplus that we need to auction off. Our contract for the first year was very successful and it is coming to an end and we need to renew that. Assistant Chief did a presentation at our last council meeting. Are there any questions in regards to that?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing The Mayor To Enter Into A Contract With GovDeals, Inc. To Sell City Surplus Items To The Public Through An On-Line Auction Service And Declaring An Emergency.

Motion passed.

Director of Law read the resolution by title only.

Chairman Jaehnig requested that second and third reading be on the agenda for the next meeting.

President Ertel: Thank you. Downtown Revitalization?

Downtown Revitalization Committee –Chairman McKay: I have no report other than there is just a lot of stuff going on downtown. We want to keep it happening and keep the downtown alive along with the rest of the city. That is all I have.

President Ertel – Thank you. Parks and Recreation?

Parks and Recreation Committee – Chairman Wallace: No report, Mr. President.

President Ertel: Thank you. Service Director?

Service Director – Larry Reinsmith: No report.

President Ertel: Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – November 2010, as received.

Motion passed.

Reports accepted as presented

President Ertel – At this time I would like to open the meeting up for any public comments, while in session either by members of council or anyone from the audience. If you would please, come forward and state your name and address for the record.

Geoffrey Phillips: Treasurer of the City, 69 N. South Street. Following the Finance Committee meeting on Monday, I was asked by Councilman Jaehnig, in the budget proposal that's before you, with the proposal of a million dollar deficit, how many jobs, what kind of revenue would it take to replace that? So I put together a quick handout that you can read. It gives you some numbers that you can contemplate before the meeting on the 13th. You also have in your packet the Income Tax Report and while those pages are coming around, you might want to pull that out, as an observation I would make for you with these two documents. How many jobs will it take to offset a one million dollar deficit? This year in 2010 the City of Wilmington spent, it appears, based on David's projection as Auditor, we will spend a million dollars more than we take in. What's it going to take to make that up? What's important that as we look at 2011, why do we want to consider not continuing that string of million dollar deficits, is that the City's largest source of general fund revenues is employee withholding from wages. If you have the Income Tax report, I would encourage you to look at the report on the right side for the year 2010. Withholding tax is \$3,264,000 year to date of the \$4,042,000 collected. That's 81% of our income tax revenue came from withholding. Some of you say, "Well, Gee, what's the trend?" Well, look to the left side, and you will see that in 2009 a year ago for the entire year of 2009 we collected \$5,743,000 from withholding, total collections were \$7,077,000. 81%. We are right on pace with where we were a year ago 81% of our income tax collection is from wages. Now as you look at the rest of the handout, how many jobs will it take to replace a million dollars? Our tax is 1%. One hundred million dollars in wage growth would need to be created within our community. At 1% we would receive one million dollars or about a 25%, I guess you could make an argument 33% increase, Fred you are the engineer here tonight, 3.2 million, so about a third increase to get to four million. So that, a hundred million dollars, what does that break down into jobs. The US Census Bureau for zip code 45177 reports the average Wilmington household earns \$40,348. That's \$19.40 per hour. Take in \$100,000,000, divide by the average of \$40,348 per year suggests job growth would have to be 2,478 new jobs. Job growth will come; there's no doubt it's going to come. One of the questions we asked the Mayor at the end of the meeting on Monday, there is lots of buzz in the community that there are things that are going to happen. Two thousand four hundred seventy-eight jobs, the reality is that it will take a period of time for us to get that back. So the budget you have before you a year ago was a request for a two million dollar deficit, and as we are at the end of the year, we are going to spend about a million of that. You will recall the Mayor did bring you some adjustments of about a million dollars, and so last years' two million dollar deficit, offset by a million dollars of adjustments, still meant that we spent a million dollars in cash this year that we didn't take in. Next year you have a proposal before you for a million dollar deficit. Do we have the cash? Yes. We started this year with \$4.6 million. We spent a million. We are down to \$3.6. . We could spend another million, and a year from now we would be down to \$2.6. Now, as David was saying when I entered the room tonight, do we think we will spend all of that million next year? Probably not. However, you've got to look at the revenue side. The revenue side forecast from Mary Kay and David is \$8.5 million. Five hundred thousand of that eight point five million is money that the City of Wilmington will receive from the State of Ohio. The State has an \$8 billion budget deficit. One of the things that our city staff as they go to meetings is being told, one of the considerations being given by Governor Kasich, our governor-elect, is that state sharing thought the local government fund will be zero. Well, the deficit you have before you, the budget is actually \$1.25 million. If it is another 500, that's a \$1.75 million deficit. My purpose tonight is to answer Councilman Jaehnig's questions and to give you some numbers. What is it really going to take in job growth? Now the reality is, I've shared with many of you through the years, hopefully, let's say four businesses come to town and they bring 600 jobs each. That's 2400 jobs. "Well gee, Geoff, your math is a mess." They may pay \$19 an hour; they may pay something less. We would trust that those four businesses will generate profits, and that those profits would then be taxed in the business category of the report you have, so it's not a perfect number, but it gives you an idea that for a million dollars to be made up, it's a hundred million dollars in new wages and could be about 2500 jobs. From number one in unemployment, we would fall way down the chart real quick. So

hopefully I've answered your question, but it is just something to think about before the meeting on the 13th. Any questions?

Paul Hunter: You're discounting jobs outside the area of residence here that don't have to pay outside.

Scott Kirchner: He is talking about my situation where I work out of town.

Paul Hunter: It doesn't have to be local jobs, in other words.

Geoffrey Phillips: A hundred million dollars in taxable wages needs to be created, whether they're 2400 jobs inside the city or residents that live in the city and work somewhere else, as long as they are still able to pay the 1%. Now if someone like Scott worked in a community that's paying 2%, we are going to give a 100% credit on the 1% and they still are going to pay us nothing. So, he make work somewhere that created a hundred jobs, but if we can't tax it, it has no value to this question before us tonight.

Paul Hunter: Let's go 1.5 so we can get something out of it.

President Ertel: Do we have to do that? Give them that credit?

Geoffrey Phillips: It's an option. The current ordinance that we have before us does allow the credit and that is something that council may wish to consider as a means of closing...

Service Director Reinsmith: Do we have any idea of what that number is?

Councilman Jaehnig: I'm sorry, Geoff. I'm a little lost. Can you start over the explanation of the tax credit?

Geoffrey Phillips – Let's say Rob that you have a job, and I'll use you as an example, let's say you have a job in Hillsboro, Ohio. There tax rate is above 1%, but you lived in Wilmington. We would give you 100% credit for the fact that at your site of your employment you pay 1.25 or 1.5 (I don't recall Hillsboro's tax), you would then pay the City of Wilmington zero because you have already paid that or more to Hillsboro. Now if you worked somewhere that does not have a tax. As an example, let's say that you have a job at American Showa in Blanchester. There is no municipal tax in Blanchester. You live in Wilmington, we tax you 1% because you pay zero down there. Let's say as an example that you, I'll pick a community, I don't know what Cedarville has, let's say Cedarville has a 0.5%. Well you would have a 0.5% withheld at your place of employment in Cedarville and when you come back to Wilmington you pay us a 0.5%, because we give you credit for what you paid up to 1%. We wouldn't refund you if you were paid one and a half, you don't get a refund for the other half you pay, but you get a full credit up to our 1%. That is your question. Now, do we have to do that? No, there are cities that do not allow the credit. Particularly as an example when you get down around your urban pockets like Cincinnati and Dayton a number of the communities that are considered bedroom communities. They give no credit because folks live in Milford and drive into Cincinnati and Milford needs revenue, so they do not allow a credit. That's an option that you can consider.

Larry Reinsmith – Do you have any idea what kind of number that is?

Geoffrey Phillips – Not recently, with the change of the last twelve months, we haven't looked at that number. We could study that number if that is a request that council would want to know.

Councilman McKay – Do you think it is a big number?

Geoffrey Phillips – I would want to review the tax itself before I say yes or no. It's something more than zero, but I doubt if it is a million bucks.

[Banter]

Scott Kirchner: But to give some perspective on that thought that I think that council needs to keep in front of them. While I may have to pay more in taxes where I work than I pay here and get credit for the one percent and not pay taxes, I do spend my income here. If you now make me pay taxes here and where I am employed, you can cause an additional exodus to the city. It's your call.

Mayor Raizk: It is also a marketing scenario to when you are trying to attract new business. It is something that is always reviewed. We've always, you can talk about it all you want to, but for twenty-five years or more I was harping about the airport out here about trying to get that revenue. Where would we have been if we had had some of that revenue for those many years? The reality of it is, is that it's a marketing tool. If you don't have those jobs that you've done in there, so you can make it high enough to make the numbers on the page look good but then your end result is business is going to look at you and say, you work in Blue Ash, so business is going to look at Blue Ash. If we say why do they come to Wilmington where there is a... Right now, we have an attractiveness. If you were to say the business is looking at Blue Ash or here, we've got a one percent difference for them. That would be an attraction that we could market. It is a glass half empty and a glass half full in a way.

Councilperson Mongold – We would encourage people to move across the county line.

Mayor Raizk – It's a matter for discussion.

Councilman Jaehnig – For some reason I thought that it was split and I understand the complexity of that. That is probably why it has never happened. I don't know why I assumed that, but I assumed if it was two percent, one got one and the other got the leftovers.

David Hollingsworth: When we originally annexed the airport, it was one of the complaints of folks that didn't live in the city. They came and complained that they would be taxed by the city but not represented. As the Mayor indicates, we invited them to come live. We would love to have them come here. But beyond that, the reason that the airport existed was the infrastructure that you provided with the expenses here as well as the safety services that service it.

Councilperson Peterson: Years ago I worked in Blue Ash, I can remember one night watching the election returns finding that I hadn't voted but it went from one percent to two percent.

President of Council – Fred Ertel: Just a question Geoff, would it be difficult to get that number of how many people fall into that category, only for discussion sake?

Geoffrey Phillips: I'll ask the Tax Commissioner. I know we did a study a couple of years ago, but because of the changing work demographic, I'm not sure how fresh that number is, but we can ask.

President of Council – Fred Ertel: Because of our shortage of staff we want to make sure it is pertinent, but if it is available.

Mayor Raizk: My sense is that it is not a huge number.

Geoffrey Phillips: I think what you are really going to see if you go to the Income Tax Report, I realize that not everybody in the audience has it, but if you look at the individual side and you will see a year ago we were at \$414,000 and this year to date we are at \$354,000. It is within that 354 that you are going to find most of those folks that we are giving the credit to. They have filed a return with us, they may have owed us a dollar, or ten cents or they may not have owed us anything. That is where we are going to find that number. But I will make that inquiry, Mr. President.

Paul Hunter: [Inaudible for Transcription] a net job exporter. In other words, more people move out of Wilmington or travel out of Wilmington to jobs than come to Wilmington from outside for jobs. Isn't that an established pattern we are seeing?

Geoffrey Phillips: Maybe in the last twelve to eighteen months, but part of that, with the airpark, you had more folks driving in here than we had living in the city.

Paul Hunter: I'm talking about real jobs.

Mayor Raizk – I think that would be real jobs as well. There was a significant...

Geoffrey Phillips – You had 9500 working at the airpark and 10,000 of us living in town, including my fourteen year old daughter who doesn't work and my eighty-four year old father who is almost retired. There weren't ninety-five hundred of us in the city so they had to come from somewhere. They may have come from in Union Township, they may have come inside Clinton County or from a neighboring county.

Paul Hunter – I got some data from the Chamber a year or two ago that said more people went out for jobs than came here for jobs.

Geoffrey Phillips: I think Paul I was at the meeting when that data was presented by Job and Family Services. It would be interesting to ask for an update. Are there other questions?

Scott Kirchner: How are we tracking in this year's actual returns to your projections, year to date?

Geoffrey Phillips – Our projections for 2010 was \$4,175,000 and we are at \$4,042,000. When I met with the Tax Commissioner yesterday, we looked at 2009. In December we collected one hundred thirty-one. "Marque," I said, "How good do you feel about collecting one hundred thirty-one?" One hundred thirty-one plus four million zero forty-two would be like right there. Now folks you've got the report from me, go left and in business eighty thousand of that one of that one hundred thirty-one came from businesses. That meant that business profits were paid to the city before year end for tax purposes. Will that happen this year? Your tax staff has very proactively mailed out the quarterly tax withholding statements timely so folks have the entire month of December to do that. We don't know that answer, Scott. As I shared with the Finance Committee, we are at four million zero forty-two. We may not hit four one seventy-five. Our estimate for next year that we have given the auditor's office that is in that \$8.5 million is \$4.1 million. But we also recognize that there are folks that are saying that they are making money now they did not make money in 09 and lost a lot of money in 08. But they have to file a return and send the money in. Other questions?

President Ertel: What are your thoughts, just tell me your opinion of the business refunds this year. Do you think they will be sizeable, a lot of them, or basically you don't see any on the horizon?

Geoffrey Phillips – Your definition of this year 2010 or 2011?

President Ertel – 2010

Geoffrey Phillips: In 2010 we did have, as the Chairwoman of the Finance Committee knows, we have had a couple of major income tax refunds that have already been issued. We had a potential with one...

Mayor Raizk: But they are reflected in here, aren't they?

David Hollingswoth – I think the total, as I recall, through the end of October was like \$168,000.

Geoffrey Phillips – That is actually what we paid, which is higher than normal. We had a potential possibility of it being even higher. But some folks in their postponed business returns, (am I saying that correctly David?), businesses file extensions and so in their extension filings they reported profits, which offset those potential refunds and we think we have mitigated most of that at this point.

President Ertel: I just wondered if there are any big ones...

Mayor Raizk: But those funds are reflected in the report?

Geoffrey Phillips: In that piece of paper you have, they are not reflected in that report. They will be reflected in the Tax Commissioner's Annual Report and they are reflected, if you look in the budget data, they are reflected there. This is cash collections, that's correct, not accruals. Other questions?

Unknown male speaker: Delinquent taxes, do you have any information on delinquents?

Geoffrey Phillips: Delinquent income taxes? We have been very pro-active and if council continues to support us with appropriations, we will continue to be proactive next year. We are in this room on a frequent basis for small claims. As the Assistant Chief will note we are across the hall for criminal charges with the Director of Law's Assistant. We have at least one major business that we are going after that has withheld money from their employees and has failed to turn over to the city and that is a criminal violation.

Unknown male speaker: Do you have a dollar figure?

Geoffrey Phillips: I don't know an exact dollar amount. In some of these cases, we don't know what we are asking for because they have not filed a return so we don't know. In the case the Director of Law has already told you in a previous meeting, this business filed a return, they told us what they paid their people, they told us what they withheld, they just didn't send the money. Council knows who they are because they also have a little problem with their Visitor Bureau tax. Any other questions?

President Ertel: No. Very good work.

Geoffrey Phillips: Thank you very much.

President Ertel: Anyone else wishing to address council?

Scott Kirchner: 245 S. Mulberry St. I want to start tonight, coming into the building tonight it was exciting to see the recycling truck, and I congratulate Councilman Wells and the Solid Waste/Recycling Committee on taking the next step in the recycling program. I also applaud the work that the folks at the landfill and Donnie Maher did in getting that up and going. Because it is exciting to see and I think it is the right thing to do, so a very positive note there. On the Holidazzle, I also think it is important to note the Mayor could, I think, could have even been further in his admiration of the Holidazzle. I think that we need to note that Councilman Jaehnig origination of the idea, and if I'm not mistaken, brought it from a hometown previously lived in as an idea when it started. I do think that that parade has grown and I think it brings hope and excitement to this community. I think it gives an opportunity for folks to bring out the best in what we are and I appreciate the fact that you brought that before us and put your heart and soul into it. I know that you and the family, your wife and daughter have done that as well and I appreciate it and want to thank you for it.

Scott Kirchner (cont.): On another note, one of your items tonight, the deferment of the sewer rate increases and I'm going to get on a soap box here for a second. These deferments are the final two installments of a five year rate increase plan voted on in 2005 that would raise sewer rates one hundred and roughly thirty-nine percent over that five years. That was done due to a master plan demonstrating major projects, two of which were to be bonded, one in 2007, one in 2009 as I recall, totaling \$5.3 million, none of which have been done. I have urged council to eliminate these final two increases and with this legislation, if you pass it, you will vote sewer increases into a term of representation that you do not serve, because they will defer them to the next year when a new council could potentially be seated. If I again remember correctly, they will carry somewhere around a 17-19% per year increase zapping families. We have taken millions of dollars literally out of homes of this community, not done what we said we would do in 2005, and we continue to hold this over the future of the city. I'll encourage council to not defer these but do away with the final two increases. I would also like to note on another budget issue. I attended the Solid Waste/ Recycling Committee meeting budget review, which is one of the only ones I could get to. I noted that there is a new approach

by the city that I am concerned about and I will voice that concern tonight. It is the admin costs allocation that we have begun taking administrative salary costs, personnel costs, and distributing them over the enterprise funds, namely water, sewer and trash which generate their own income to cover the costs of operation. By removing approximately \$1.3 million or \$132,000, we take that money out of the general fund totals and we place it into the enterprise funds. Correct me if I'm wrong, David, but if we had not done that would the deficit not be 1.39 or 1.37 or somewhere in that, as opposed to the 1.25. So we would have a larger deficit if we hadn't taken administrative costs and allocated them into the enterprise funds and left the revenue from those funds cover them.

David Hollingsworth: It is a deficit on paper. You are assuming everything is going to be spent which historically has not been the case.

Scott Kirchner: I understand. I not asking about the deficit. If we assume today that it is 1.25, the administrative allocations of that cost over, would that increase that deficit or not.

David Hollingsworth - [Inaudible for Transcription] Mary Kay and the budget gap.

Scott Kirchner – So we have taken \$132,000 of administrative costs from the general fund budget and distributed it out to those funds. My concern is two-fold. Number one: if we are not reducing the administration, the costs are still there, and you can drive rate increases mandatorily because of bond coverage requirements. Legally, you have to maintain the 1.1 So you can, with those additional costs into those funds, drive increased sewer, water and trash rates, which we already have done significantly over the past five years. Number two, by removing that cost from the administrative budget, if in fact you try and move it back into the administrative budget where will the funds come from at that time, because I don't think that they will just sit there unused. I think it is a dangerous shell game that we are looking at doing and I'm not saying that it is not proper accounting. I understand that it is legal, but I really think that council needs to consider that it is not a good process. It's simply moving money from one pocket to the other. Those are my concerns. I appreciate your time tonight and I encourage you to balance that budget as opposed to go though with a deficit budget. Thank you.

President Ertel: Thank you Scott for your thoughts. Anyone else wishing to address council while in session.

Paul Hunter: Just a quick comment. Mrs. Gara was the mother of this whole recycling program. She is the one that beats us to death for a year, when you going to do it, when you going to do it. Cindy and I and others worked from that base and Sandy too to bring this about.

President Ertel – Thank you Paul. Anyone else wishing to address? Do I have a motion for adjournment?

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

Motion passed.

Meeting adjourned.

President of Council

Clerk of Council

Wilmington City Council met on Thursday, December 16, 2010, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, absent; Mead, 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 Jaehnig to approve the minutes of the November 18 meeting and the last regular meeting, December 2, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: I would like to make mention of a Notice of Legislative Authority of a Liquor Agency Contract Application for Kroger Limited Partnership, LLC, at 1230 Rombach Avenue, Wilmington, OH 45177. This application will be on file at the office of the Clerk if anyone would like to review that. That concludes my portion of the meeting. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any official agenda items. I would just like to say a big "thank you" to everyone involved. It was a great day in Wilmington yesterday. There was a tremendous turnout. I know the businesses thank Mr. Beck for bringing that to town. Mainly, I would like to thank our people that did extraordinary work to make this a safe and happy and fun event for everybody. All of our police and fire, emergency ambulance and street crews worked. I know that Rob and all of the members of council had much to do with it. Thank you all. There are too many people to thank, I know, from Main Street and the Murphy Theatre. I would also like to note, Laura did some great work working very closely with the producers in trying to make sure that their questions were answered and having things lined up before. Sometimes she helped make the plan for them because she knew what would go smoothly and what wouldn't. She did a fabulous job. Laura, thank you very much. I'm sure I'm leaving people out. All of the city employees really pitched in, and I want to thank them for their efforts. I also would like to say our thoughts for good recovery are with Councilman Coach Wallace tonight. He is recovering from surgery. This was scheduled surgery, and that is why he is not here. We are thinking about him healing, especially during holiday times. One other thing I would like to say...our thoughts and our prayers are, especially at this holiday time, with Zach Hollingsworth who is deployed in Afghanistan and all of our service people overseas. This is an especially tough time for families (and for them as well) being away at the holidays. I would just like to say Merry Christmas and Happy New Year to everybody. You know, 2011 is going to be a much better year than 2010. We are, indeed, a city that runs on hope. I think our hope will be rewarded in 2011. Thanks to everybody, one and all, and I hope you have a safe and happy holiday. That is all I have.

Councilman McKay: I'll second that.

President Ertel: Thank you. I certainly will echo the mayor's thoughts about the event last night. That was tremendous and our city just really put out the red carpet and did a wonderful job of putting the right foot forward. So many people came from out of town. In fact, the people who sat next to us were from out of town and in front of us. They were just very, very impressed. One, with the town, and secondly, with the Murphy Theatre. They thought that was just a wonderful venue. I believe the president of the Murphy Theatre is here to join us this evening in the back of the room. Thank you so much for all of your hard work. Also, I would be remiss without bringing this up.

Everyone has at their place a *Roberts Rules of Order*. It is newly revised in brief. As we go through the meeting, if anyone has anything to bring up, if you would, just state the page that you are referring to, we can all go to it and act accordingly.

[Banter]

President Ertel: Let's move into Asset, Acquisition and Use.

Asset, Acquisition and Use –Chairperson Sandy Mongold: Tonight we have an ordinance declaring 22 acres, more or less, of real property owned by The City, more commonly known as the “Fairground Parking” area, to be surplus property, authorizing the mayor to enter into a Purchase and Sale Agreement for the said fairground parking with the Board of County Commissioners. If the mayor would like to say a few words about that, because we really would like to get this passed in three readings tonight, because both the City and the County would like to close on this deal before year end.

Mayor Raizk: Thank you, Sandy. We just had the survey completed and the legal description is being prepared. We should have it within a day or two. You will see, under Exhibit A, that is where the legal description will go. Finally, the County gets to own the parking for the fairground. As you remember, when we entered into the process of putting together the Clean Ohio Grant for the acquisition of the Textron property, we discussed this with the County early on. They have been on board with this. Now it is time, since we have closed on that property and are in the process of remediation, to get this put together with them, so they can have that property. They would like to go by the end of the year and obviously, we would as well. We can go to closing just as soon as we get the legal description. The price is \$200,000 for this acreage. We are within plus or minus one acre of what we estimated it to be...just in the beginning, Larry's good faith estimate...the survey revealed that it was just almost exactly what we thought it would be. We would like your consideration on that. If possible, we would like to have three readings on it this evening.

Councilman McKay: Mr. Mayor?

Mayor Raizk: Yes?

Councilman McKay: The proceeds will go...?

Mayor Raizk: Yes. They go to the Wastewater Department, as demanded. Technically, the Wastewater Department owns the property. I mean, the city owns the property, but it really belongs to the Wastewater Department. So, all proceeds from any future activities will need to go back to the Wastewater Department to make them whole for what they advanced to make all of this happen. I think that is the easiest way to say it. Thank you.

Councilwoman Mongold: Thank you.

A motion was made by Mongold and seconded by Peterson to give the first reading only on the ordinance Declaring Twenty-One Acres, More or Less, of Real Property Owned by the City, More Commonly Known as the “Fairground Parking” Area, to be Surplus Property, Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Said Fairground Parking with the Board of County Commissioners, Clinton County, Ohio, and Declaring an Emergency.

Motion passed

In the absence of the Law Director, 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4944 passed as read.

Councilwoman Mongold: That is all, Mr. President.

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: Just one item. Before you get to item C on Finance, the second reading on the budget, we became aware subsequent to our Finance Committee meeting on Monday of the CHIP grant monies that we will be receiving. So, that has been added to the budget. It is a half a million dollars, so it is not money that we are spending out of the General Fund, but it will be coming from a grant, but we went ahead and added that to the budget.

Councilwoman Mongold: Thank you.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have tonight is an ordinance making supplemental appropriations.

A motion was made by Mongold and seconded by Peterson 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; Mead, yes; Mongold, yes; McKay, yes.

Jason Besser 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4945 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making miscellaneous transfers.

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

Motion passed

Jason Besser read ordinance by title only.

A motion was made 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4946 passed as read.

Councilwoman Mongold: The third item tonight, is the ordinance making appropriations. I am going to ask for the second reading.

Councilwoman Peterson: Can I make a comment?

President Ertel: Go ahead.

Councilwoman Peterson: I don't like this budget. I don't know of anyone who does. None of us like this budget, but I'm voting for it. I really struggled with this because I don't like it, but I'm not willing right now to make the decisions that we have to make to bring in additional revenue. I don't think we have an expense problem. We don't. We have a revenue problem. Any expenses that we could possibly cut have already been cut. There is not going to be anything substantive that really is going to alter the bottom line. But, we can't do this again next year. I think we're all in agreement. We really need to look at selling assets. We have assets. We need to look at that next year. We need to look at that as an option.

Councilwoman Mongold: That would be part of hoping that we will have more revenues next year.

Councilwoman Peterson: Absolutely. I'm just not there yet. I am hoping. Families make those decisions every day. They determine when the best time is to make those decisions, and I just don't think we're there yet.

Councilman McKay: I would second Cindy. And when she says we've made all of the cuts we make. We haven't made all of the cuts we can make, but it starts to get very, very serious when we make additional cuts.

Councilwoman Peterson: I agree. It's not that we can't make more, I'm just not willing to go that way.

Councilman McKay: I will also be voting for it because I don't feel it is appropriate to stop the budget process at this point.

Councilwoman Peterson: But, I do think we need to look at it next year.

Councilman McKay: If necessary.

Councilwoman Peterson: If necessary. I don't think I'm going to have that conversation.

Councilwoman Mongold: We will monitor the budget very closely next year.

A motion was made by Mongold and seconded by Peterson 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, 2011, as Amended.

Wells and Mead voted nay. All others voted yea.

Motion passed

Jason Besser read ordinance by title only.

Councilwoman Mongold: We have a special meeting scheduled for December 29 at 7:30. I ask that the third reading and passage be put on that agenda. It will be at 7:30 a.m. and it will be very important that all councilmen be here for that meeting. And I would like to wish everyone a very Merry Christmas and have a nice holiday. I too think that the Glenn Beck event was just a huge shot in the arm for all of us. I think it provided excitement, it provided hope, and it was a lot of fun. I heard so many good comments about Wilmington. People loved our city. I was very proud of Wilmington yesterday. Very proud.

President Ertel: Thank you. Water Committee?

Water Committee – Councilman Wells: In Mike's absence, we have no report.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have no legislation, but we do need to have a Streets Committee meeting. There are at least two agenda item. One is, the street by Your Father's Kitchen is currently painted yellow. We really need to look at removing that, so I would like that to be on the Agenda. Also, let's dive into Safe Routes

to School through Denver Edition. If anyone else on council has any other Streets Committee items, let me know.

[Banter]

Mayor Raizk: Mr. President, may I ask.

President Ertel: Yes.

Mayor Raizk: I would tentatively request an AAU meeting at 7:00 on the morning of our 7:30 Special Council Meeting. Hopefully, we will need that meeting.

Councilwoman Mongold: 7:00 a.m. on the 29th of December.

Mayor Raizk: It would have to be prior to council.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have no report on the Agenda, but I would like to wish the citizens of Wilmington Merry Christmas.

President Ertel: Okay. Wastewater/Sewer.

Wastewater/Sewer Committee: Chairperson Mark McKay: We have one item on the Agenda tonight. Before we move forward on this, I would just like to say, contrary to the way it was reported or implied in the paper, this legislation was never imminent. We have never discussed enacting it this year. We will look long and hard at ever enacting it until it would be appropriate. There will be plenty of forward thinking before we do that. With that in mind...

A motion was made by McKay and seconded by Mongold 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, 2011, for a Period of One Year, and Declaring an Emergency.

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4947 passed as read.

Councilman McKay: That is all I have. Thank you.

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

Judiciary Committee: Chairperson Rob Jaehnig: We have no report today, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item. That would be for the second and third readings on a resolution authorizing the mayor to enter into a contract with GovDeals to continue our auction on-line.

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Enter into a Contract with GovDeals, Inc. to Sell City Surplus Items to the Public Through an On-Line Auction Service and Declaring an Emergency, by title only.

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

Jason Besser 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2222 passed as read.

Councilman Jaehnig: I would also like to wish everybody a Merry Christmas. I would also like to personally thank Councilman Wells and Donnie Maher for my Christmas present of the nice blue bin on my lawn. It is nice to have the recycling bins and to get rid of the bags. That was a nice little present for me. Thank you.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: I think we have done a pretty good job with that this week. I just want to reiterate what the mayor said. There were a lot of people responsible for this project going very well. I think we will probably reap the benefits well into the future. I wish everyone a very Merry Christmas and a wonderful and prosperous New Year. That is all I have.

President Ertel: Thank you. Parks & Recreation Committee?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilwoman Peterson: We have no report.

President Ertel: Very good. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I just want to remind people that we are having a lot of snow events right now. Our procedure is that we clear the main thoroughfares first. We salt the main intersections. We don't salt all of the highways. Then we hit the secondary streets. We will also hit any icy or unsafe condition wherever it is. If someone would come upon something like that and we don't know about it, please call in, and we'll hit it with some salt. Contrary to some unpopular beliefs, it is not a rule that we salt the intersection at 50 feet back. That was passed on along to some citizens.

Councilwoman Peterson: You mean like an urban legend or something?

Service Director Reinsmith: Yes. It is more of a myth. We will hit on them and do the best we can.

Paul Hunter: Are we going to do that re-lining this year or not. It seems awful late.

Service Director Reinsmith: We've been doing some. We've been doing some on Locust. You haven't seen them?

Paul Hunter: Nobody has told me.

[General discussion of where re-lining is being done]

Paul Hunter: How about the northeast quadrant, the big trouble area.

Service Director Reinsmith: It's not that big of a trouble area. We've fixed a lot of it. They have been doing quite a bit here lately.

Mayor Raizk: Part of that money has already been encumbered while that is ongoing. They have been working all month of November and December.

Service Director Reinsmith: They were down there at Wood Street.

Paul Hunter: They can do that in the cold.

Service Director Reinsmith: Oh, yeah, it was one below and they were doing it.

Mayor Raizk: They were down there at Wood Street. They can do it. They have the right stuff to do it with it. I think they heat the pipe first and then, like the way you solder, let it run.

President Ertel: It still is a nice balmy 55 degrees probably in the sewer system.

President Ertel: Okay. Anything else, Larry? Safety Director?

Safety Director – Mayor Raizk: No report, Mr. President.

President Ertel: Thank you.

Reports:

A motion was made by Peterson and seconded by Mongold to approve the Auditor-Treasurer's Report – November 2010, as received.

Motion passed.

Reports accepted as received.

President Ertel: Before we open the meeting up to public, I would like to thank all of the councilpersons for their quick response on coming up with the committee-ships and appointments for 2011. I think it is going to be a wonderful year. Everybody is slotted just basically as they were in 2010, except for Councilman Mead. He is going to be picking up the Parks and Recreation for Mike Wallace and Mike will then, in turn, be a member of that committee. We expect, certainly, a lot of great things at Parks and Recreation. We can talk about our golf course, ski slope, all of those events. Thank you so much. We look forward to that in 2011. 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 Mead: Mr. President. I would like to make a couple of comments.

President Ertel: Certainly.

Councilman Mead: Number one, you know I was riding around town with all of this going on, just to see how many people were here, because they didn't come down there. I want to compliment the police department...the local police officers...they were bundled up and I couldn't really tell who they were...but they were standing in the middle of the muck and slush and trying to keep the traffic moving. It was a job, and they were cold and it was freezing out there. I just want to compliment them for doing that. That is a worse job than they usually have to do, I would imagine, physically. The other thing is the snow. You know, every year we have the same problem. I think the city has done a good job with their snow removal. Even people who work for me say, "I can't come to work. Look at the snow. We have snow out there." I keep telling them, "It's December in Ohio. What are you going to do? It snows every year." They'll plow it sooner or later, but it is still snowing out there. I think it is fine. I don't mind driving through the snow. I just love it. I just want to say the city is doing a good job. They get there as quick as they can. I'm sure if anybody has a really problem, they will call Larry and he will try to take care of it.

President Ertel: Very good. Thanks, Bob.

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

Paul Hunter: I hate to end the year with a moan and groan. I'm tired of talking about 640 Lytle Place. I know you are tired of hearing about it, but it is still there. Ten years and counting. Mrs. Andrews, who is one of the neighbors, is ill and couldn't be here tonight to back me up. But I am speaking for her and the other neighbors. For ten years we have

tried, without success to stop the continued theft of thousands of dollars in property value from these neighbors.

Councilwoman Peterson: Is this the...?

Paul Hunter: The Plancks. We might as well put it out there. I was encouraged recently when the Code Enforcement Official and the Law Director took it to court. All right, we're going to solve that problem, finally. What happens? That hope turned to dismay when the court, through normal practice, issued a warrant for the accused when the violator did not show up for the court date. I have been informed that the warrant was issued, but if he keeps his nose clean, he will never be served. On a misdemeanor charge, as I understand it, the police don't go out and hand warrants to misdemeanor miscreants. So, he could go on, in theory, if he keeps his nose clean, for who knows how long before he ever receives that warrant. That is, in effect, all of our work is for nothing. There are two options, though, that we have. I have spoken to the Law Director about one of them. The most doable and practical move would be to plead with the court to issue a warrant block. It is a simple procedure. They use it in other cities. The court issues a warrant block to the Bureau of Motor Vehicles. That individual with that outstanding warrant cannot get his new driver's license or re-register his vehicles. That would bring this time period down to a year because if he can't get a vehicle registered, that is going to get his attention.

Councilwoman Peterson: The Law Director isn't here tonight, but maybe you talked to her. Is there a reason that wasn't on the...

Paul Hunter: I don't know. I suggested it in advance of that. I had read about it in a Dayton paper. Huber Heights does this regularly. It is an easier, cleaner way of doing that. Failing that, both the enforcement officer and the court have deemed that at least one of these three charged constitutes a public nuisance. According to city ordinance, the Chief of Police can determine if a nuisance exists, and it grants him the power to abate the violation...tow away the cars, clean up the junk...and charge the property owner for that work. It is my understanding that police have been instructed by the City Administration to refer such matters to the Code Official, who does not have the power to abate that. He cannot go out and send people out to clean up that mess. The Chief of Police can under our ordinances. I don't know if it has ever been tested or not. I don't think we probably have ever done that. The Chief of Police can make that determination. I have asked him and he told me, the Assistant Chief said that they want to handle that upstairs, which meant Ernie, I assume that. It is much easier to do this with a warrant block than to go through all of that. However, that is an option if we can't get that done. Thank you for your time.

President Ertel: Thanks, Paul.

Councilman Wells: Mr. President.

President Ertel: Yes, sir.

Councilman Wells: I would also like to agree with Paul. I have spoke with people who live right in that vicinity. It is time that we get something done. They have suffered a long time, and we need to do something.

Paul Hunter: I wouldn't buy a house for the advertised value if I lived right next to that.

Mayor Raizk: Did the Director of Law mention why this warrant block wasn't done. That is under the Director's purview.

Paul Hunter: No. I went to the prosecutor. I went to Lynn and asked Lynn, "Have we ever done that?" Her answer was, "No."

Mayor Raizk: Did you also... You know, you made a comment at a meeting prior to this...I mean, I don't like this any better than anybody else does...but you made a comment at the meeting prior, thanking Mr. Wells and the Law Director for pushing this.

The thing you didn't refer to, was this case has been laying at the Law Director's office for two years.

Paul Hunter: Well, I can't control that.

Mayor Raizk: I can't either. But, that is where it has been. Just so you know.

Paul Hunter: Wait a minute, let me create the scenario. The code enforcement had to go, just before the day of the hearing before the court. They had to do a lot of groundwork, which hadn't been done prior to...

Mayor Raizk: That's not true. That has been done over and over and over again.

Paul Hunter: [Inaudible for Transcription]

Mayor Raizk: They do have to update it, Paul. You're right. But once you actually do file it, then you have to go out and do again, because your date may be six months old. There is a possibility that they could have abated the problem in between the filing and when you actually end up in court.

Service Director Reinsmith: I don't know why you eventually bring it back to Ernie, though. I mean, Ernie has had it, it has gone to court, and then you...

Paul Hunter: Well, this wasn't about Ernie.

Service Director Reinsmith: I know. I just don't know why the procedure takes us back to Ernie.

Paul Hunter: Well, I'm not. I'm saying that is where it is. It is in the court. These are the things we can do at the court or with the Chief of Police. Those old ordinances that I'm speaking of with the Chief of Police, we don't consider them active, probably. But they are in the book. Thank you.

President Ertel: Thanks, Paul. Yes?

Councilman Wells: Mr. President. Regarding this budget discussion, I have an idea that may help us reduce the budget and I would like to ask the Finance Committee if we could have another meeting before we take the final vote and I could present that to you. I am not ready at this time to present it, but I will be if we can have another meeting and discuss it. I am just asking if we can do that.

Councilwoman Mongold: Sure.

Councilwoman Peterson: I would like to hear any ideas. I'm not on Finance Committee, but...

President Ertel: Can you give us...?

Councilman McKay: What percentage reduction would it be...?

Councilman Wells: Well, I'm not prepared at this time to answer that fully, but I would like to talk about it.

President Ertel: Sounds good. Sandy, would you like to take a look at that and notify us through Laura when that potentially could be done.

[Discussion regarding scheduling of Finance Committee meeting]

Councilwoman Mongold: The Finance Committee will be Monday, December 20, at 11:30 a.m.

President Ertel: Is it possible, also, Don, possibly in advance of the meeting to be able to unveil and let us know what you are thinking of so that we can come with opinions already and researched. Is that possible?

Councilman Wells: I'll see what I can do.

Clerk Laura Curliss: I need it by about tomorrow afternoon at 3:00 to get it out to them for the weekend.

President Ertel: Anything you could do to get it to us a little early so that we can run through it.

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

Jonathan McKay: 371 High Street. I received an email today from Denmark. A foreign exchange student emailed me that I knew in high school. She said, "I see Wilmington was in the news yesterday." I said, "Yes." I emailed her back and explained everything. She got on the News Journal website and read about it. What happened yesterday was a wonderful thing for Wilmington, Ohio. We were not only the epicenter of Fox News, we were the epicenter of the world yesterday. Everybody in the world could have found out what was going on, and some did. I heard from one person who saw what was going on yesterday. I was so impressed by the town and by what each and every one of you did yesterday to contribute to what had happened. That shows that this community is fully aware of how we can one, help the citizens, two, put on a major event, and three, work not a miracle, but work together in making things right. It is going to take not a major corporation, but it is going to take small individuals that can offer 10-12 jobs here, 15 jobs there, to bring back what we once had. I think yesterday we saw that. It is going to take time, but we are going to get there. I wanted to thank the City for what they did. For a young person, it was very inspiring. I am proud to be a citizen of Wilmington. Thank you.

President Ertel: Thank you. Very, very good. Sandy, just a comment. It sounds like we are going to be having a lot of people coming to the finance meeting on next Monday. Do you want to have it here or where?

Clerk Laura Curliss: The court will have this room, most likely, so we will have to have it maybe in the Service Director's conference room.

President Ertel: That will be fine.

Clerk Laura Curliss: But we'll start with the Mayor's conference room and see what happens.

Councilwoman Mongold: I want to tell you just real quick a couple of things that happened yesterday when all of the people were here from out of town. Maybe I have already told a lot of you. I had a lot of people come in from states all around the United States. I tried to keep track. They were there from California and Texas, all over. Most of them did not even have tickets to the show. They just wanted to come to Wilmington. They loved it. Well, we had individuals come in and want to know how to get down to My Father's Kitchen because they wanted to help and make contributions. Two different people on two different days came in and just handed me money. They just were handing out money, which we did pass on Allen Willoughby's wife to go down to the kitchen. One guy came in and gave me a \$20 bill and said, "I want to pay forward. So, the next person who comes in that has a bill of under \$20, I want you to pay for their bill." Well, we did that, and it kept growing, because that person then would say, "Well, here's \$10 more I'll give back to you." It just kept growing. I'll bet you we paid five or six different peoples' bill with that same \$20 bill. It was just amazing. I mean, I've never seen anything like this before. There are so many giving people out there. I just have to share that little story with you.

President Ertel: That's wonderful. What a great time to do it, coinciding with Christmas and the holiday season. Yes, Don.

Councilman Wells: I would like to add, too, that a friend of mine that was selling yesterday, a gentleman bought something for \$9 and gave him a \$50 and told him to keep the change. And then two other times he sold something for \$3 and they were given \$20 and told to keep the change. There were a lot of people that were really helping out the organizations.

Councilman McKay: Some of us old-timers remember how downtown Wilmington was on Friday nights and Saturdays. This just brought it back.

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

President Ertel: Before we adjourn, I get to be the last person saying have a Merry Christmas to you all, and with all that, have a good evening.

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

Adjournment by consensus.
Meeting adjourned

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Wednesday, December 29, 2010, at 7:30 a.m. with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

President of Council – Fred Ertel: Let’s get right into the Finance Committee area. Sandy, Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have today is an ordinance making supplemental appropriations. If you notice, they are all reverse 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 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; Mead, yes; Mongold, yes; McKay, yes.

Director of Law 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4948 passed as read.

Councilwoman Mongold: Next, we have 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; Peterson, yes; Wallace, yes; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4949 passed as read.

Councilwoman Mongold: The third item, and I would like to make several comments before we get into having that. Treasurer Geoffrey Phillips questioned one item, “Consultant - Prospect Data.” That item is for Dave Hogg. He does all of the computer work for the Police Department. There are several line items right under this that also pertain and have been on the budget for the last approximately five years for Dave. I would also like to comment that last year at this time we were sitting here with a \$2 million deficit. I want to commend the city employees for reducing that figure by at least a million dollars – more than a million dollars. I would like to make that comment. We hope that will happen again this year – that we will be able to reduce. Before we give a third reading, are there any comments from the Mayor, Auditor, anybody?

Councilman Wells: We didn't have anyone laid off last year and this year we do. That's all.

Deputy Auditor Vance: That is how we reduced it by a million dollars.

[Inaudible comments]

Councilman Wells: I didn't say that. I just said we didn't have anyone laid off last year and this year we do.

Deputy Auditor Vance: Last year being 2010.

Scott Kirchner: At this time last year, which is what Councilwoman Mongold said.

Deputy Auditor Vance: For the budget in 2010, we were sitting at a \$2 million deficit going into 2010. Going into 2011, that \$2 million deficit is reduced by a million dollars.

Scott Kirchner: Correct. Councilman Wells is saying at this time last year we didn't have anyone laid off.

Deputy Auditor Vance: In 2009. But the layoff...part of it was the layoff in the 2010.

Councilman Wells: That is what I'm talking about.

Councilwoman Mongold: ...that it was reduced. We're saying...

Scott Kirchner: Those were mostly firefighters and police positions, correct?

Mayor Raizk: No, that is not correct.

Scott Kirchner: Quantities.

Mayor Raizk: There were over 20 folks. There were four full-time.

Scott Kirchner: And how many intermittents?

Mayor Raizk: Well, the intermittents had to be laid off before the full time. That's the law.

Scott Kirchner: I understand that.

Mayor Raizk: Those folks were part time. We also laid off people in Parks and Recreation. We laid off people in almost every department. It was across the board. It was not singularly picking on one or the other. In the Police Department, we did not lay off anybody, but there were some positions that left on their own or through attrition that were not replaced. We laid off people in Administration...all through. So, it is not correct to say that they were firefighters that we laid off to get there.

Scott Kirchner: Actually, what I said was the majority of safety personnel in the total layoffs or non-filled positions.

Mayor Raizk: But, as far as active positions, the case is that there were some that were much higher salaries and that accounted for more than what the intermittent total salaries counted for.

Councilwoman Mongold: Am I correct that there were actually only a net of three fire personnel?

Mayor Raizk: A couple of folks have gotten other jobs. We have since...one has left on their own and has been rehired back. We are in the process of trying to find ways to put them back on.

Scott Kirchner: Sandy, I wanted to just offer support and appreciation for the ideas and accountability brought forth by Councilman Wells and Councilman Mead with the directive to try to balance the budget. I believe it is the responsible thing to do and commend them for bringing forward the ideas and try to start a discussion to get to that accountability. I think they have done a great job and a great service to their constituents.

Councilwoman Mongold: The Finance Department has taken their comments into consideration and we will be discussing them. Any other comments?

A motion was made by Mongold and seconded by McKay to give the third reading only on the ordinance Making Appropriations for Current Expenses and Other Expenses and Other Expenditures of the City of Wilmington, Ohio during the Fiscal Year Ending December 31, 2011, as Amended.

Wells and Mead voted nay. All others voted yea.

Motion passed

Director of Law read 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, no; Peterson, yes; Wallace, yes; Mead, no; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4950 passed as read.

Councilwoman Mongold: That is all we have. Thank you.

President Ertel: Thank you very much for coming.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk