

Wilmington City Council met on Thursday, January 6, 2011, with President Pro Tem Sandy Mongold 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 December 16, 2010, last regular meeting as received.

Motion passed.

Minutes approved as received.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the December 29, 2010, special meeting as received.

Motion passed.

Special minutes approved as received.

President of Council Pro Tem– Sandy Mongold: We have with us tonight Debbie Stamper who is with the Convention and Visitors Bureau.

Debbie Stamper – Convention and Visitors Bureau: Hello. I'll try to make this as quick as I understand I am the only thing between you and going home. It is that time of year again. Every year I come and give you all our marketing plan and budget for the new year, and since we are in 2011, that is what I am here to do tonight. I have given you all a copy of this and I am not going to go over the whole thing; I am just going to hit on a few highlights. I encourage you to read it in your leisure, because there are some statistics and things in there that you might find interesting. In looking at the travel industry as a whole, 2010 was not a good year. It was not a good year for many of us and our industry was no different. In looking at predictions for what's going to happen in 2011, travelers are going to spend less. Because they are going to spend less, they are going to expect hotel room rates to be less. They are going to stay closer to home. They have been doing that anyway, but it does look like they are going to be willing to travel a little further. Now, if gas prices go to \$4 per gallon, as they are saying may happen by mid-summer, that could throw all that out and people will be staying in their own backyard. So, anyway, hopefully that won't happen and we will see some people that who be doing some driving to destinations. In 2010, we did see leisure travel, which that is your individual travelers, increase 2.8%. Business travel increased 4.2%. Any increase is good. We like to see increases.

Councilmember Jaehnig: I'm sorry. Are those local numbers or state numbers?

Debbie Stamper: This is state; this is overall. That is a good thing, but that doesn't even come close to offsetting what it had dropped over the last two years. It's slow. We keep hearing about 2012, things really will becoming out of this sluggish economy and market. We were told in 2010 that we were in a "less bad situation" and this year it is being called a "ho-hum." That kind of tells you right there what we are going to expect. In looking at how we compared to the norm in 2010, things weren't so great, like I said. We saw 30 % decline in lodging tax collections. That is one of the measurements that we use for travel in our own backyard. Lodging tax collection directly collates to what our budget is. Over the last 2 years we have seen a 40% decrease. We are making adjustments like everyone else.

Debbie Stamper: So, what did we do in 2010? Again, just a quick recap: We starting focusing and continued to focus throughout the year on two special markets that we really feel have potential for bringing in a quite a bit of dollars. That's the sports and meeting markets. We did finish our sports facility inventory. We designed and printed a sports facility guide and we have been using that in direct mail solicitations, and we used

that at a trade show. I attended a national sports expo in Charlotte in August. It was an event where it's called teams. It's where you sit and have face-to-face, one-on-one appointments with these sports event planners. We have a pretty healthy supply of leads that came out of that. The bad thing, I guess in a way, is that it doesn't necessarily mean it is going to translate into business this year. Most of the time, they are working one to three years out. So, it's relationship building, because they want to know that you can handle it. Once we get some and we can use them as an example, it will certainly help us get others. As far as the meeting planners, we continued with paid advertising. We did public relation efforts and direct mail solicitation. I had a booth at... There are two associations in the state that their membership is primarily meeting planners. We are now members of both of those associations, and I had a booth at one of them. They had a trade show and I was able to meet with many meeting planners at that event. Again, relationship building takes a little time but we are working through that.

Debbie Stamper: Another thing that we did...it was all new to me and I've learned a lot and am still learning...but social media. They tell you if you are not doing social media now you are already a year behind the curve. We did implement Facebook, Linked-In, and Twitter pages. We have a Flickr page now that you can click on it and it has all kinds of pictures of Clinton County. We have a You-Tube account that has multiple marketing videos on it about Clinton County. All of these are accessible from our homepage of our website. We also now have a blog, which is kind of like a newsletter I guess you would say. It's a whole different way of marketing. It is great for me to say, come to our beautiful, wonderful Cowan Lake State Park, but people now are looking to other consumers. They want to know a truthful recollection of what that person's experience was. It is a different way of trying to get people interested in what you have to offer. Again, I'm learning, but I think we have made quite a bit of headway. Also, our website was totally re-designed in 2010 – a whole new look, streamlined. It is more user-friendly. We did add our sports facility guide to the website so a sports event planner can go right on to the website and can see all of our facilities and all of the amenities.

Debbie Stamper: Going forward, what do we need to do? There are going to be some, I guess you would say, strategies that we are going to take on in 2011. We will continue to sustain the local and close market. With people driving in...a lot of these people are your leisure travelers. We want them to come back again and again, so we want them to have a good experience here. When the business market fell out from under us, when DHL left, really it has been the leisure travelers that have sustained us all this time. So, they are very important to us. We need to continue to tell people about these compelling experiences and why they should come to Clinton County and to Wilmington. With the whole Glen Beck thing, we were kind of held up as an example to the rest of America. We're talking to people and seeing people that all of a sudden they are more interested in us. What is there? What makes them so special? That's a plus. We are going to continue with the social media thing, We need to get more followers. If you are familiar with social media, you have friends and you have followers and you have all these different kinds of things. We need to get more people so that there are linked up to us and they can get these posts that we are doing all the time.

Debbie Stamper: We are going to continue to digitize our media. Print is never going out. In fact, this year, 2010, we went through 35,000 printed Visitor's Guides. We ran out. We have run out. I have never had that happen. You would think that the quantity that you needed would go down because more and more people are going on-line, but there are still a lot of people that want to hold it in their hands. They want to travel with it. Print is not going away. We are just going to make sure that on our website and through these different social media outlets, that we have everything that is in print available through those sources. We are going to continue to narrow down our focus. We have already been doing it. I've already talked about it: the sports market and also the meeting market. Also, in 2011 we are going to have a video produced that will actually feature all of the sports facilities, so that instead of us just telling people about it or sending them a printed piece of material, they can actually watch this video and they can see it for themselves. We hope to have it with athletes actually playing in these facilities so they can see it as well.

Debbie Stamper: The last thing, I don't know if you are familiar with this, but the whole thing where people using smart phones (you know, the Blackberries, the iPhones, etc.) is just growing at an astronomical rate. If you've ever tried to pull up a website on your smart phone, websites are designed so that there is a lot of imagery and it is visually appealing. But that kind of a site is not user-friendly on a smart phone. You've got this little bitty screen. People who are going to a smart phone and going on the internet are generally, and I'm speaking for myself, you just want to get to the information quick. You want to see what you want and you want to see the link and you want to see a phone number. There is a new technology where they develop a website that is totally designed for a smart phone and it is actually called a mobisite. So, we are going to have a dot-mobisite built for us in 2011. When someone, say they are going down I-71 and they've got their smart phone there and they see they are entering Clinton County. They go into a search and they go to clintoncountyohio.com. The technology on the back end, on our website, will know that it is a smart phone trying to access it and it will directly re-direct it to our mobisite so that they get the right thing. So, it's pretty cool, pretty cutting edge. It has only been out since, this technology and all, for about two years and it is just now kind of coming into its own. That kind of sums up the marketing plan. Marketing is of the most importance is when things are not as good. We are going to be down on budget, but I feel very optimistic that we've streamlined and that our focus is going to give us the results that we need to see.

Debbie Stamper: The next page after the marketing, you are going to see the budget with the actual figures. Then behind that is a summary of each line item. Most of these are because the budget is down and it's going to be the same as last year or less, but I'm just going to hit on five that I think are noteworthy that we need to comment on. I just wanted to go over on advertising, what we are actually going to be doing. What does that mean? We are going to hit every market. So, for the leisure traveler, we're doing an ad in Country Living Magazine, Ohio Camper Magazine. We are going to be in an insert that is going to go in the Plain Dealer that will be mailed to one million people. We will be in the States Ohio Travel Planner, the States spring/summer calendar of events, and then we will also be in an Ohio insert in May that will be inserted into Readers' Digest. For sports, we will have three different ads through the year in Sports Events magazine, and then, of course, I already told you, we are doing a video for our sports venues. The meeting market: We are going to be advertising in a publication called Midwest Meetings magazine three times this year. Then these two associations that have primarily meeting planners as their members: in one of those we are doing a three-time ad and in the other one we are going to have a banner ad on their website for twelve months. In group tours, we are doing two group tour ads: one in Group Travel Leader and also one in Group Tour Magazine. So, as you can see, we are hitting them all. Having been doing this for a few years now, we kind of know where we can get the biggest bang for our buck and get the best results.

Debbie Stamper: On dues and the subscriptions, the only thing that I wanted to mention was that we are joining a new association this year. It's called the National Association of Sports Commission and CVB's. Anybody in the United States, Ohio, whatever state you are in, that wants to attract sporting events is a member of that association. I will be attending a trade show expo in April of that association. This is the same time that I will be sitting and talking one-on-one with these sports event planners.

Debbie Stamper: Grant programs, I just want to bring that up. You know, we have offered our grants for a number of years. It's a little different this year, though. Last year, the Roberts Centre got the opportunity to bid (I may have mentioned this at a prior meeting), to bid on a volleyball tournament. It's a three-day event, 600 athletes. It will fill all of our hotels, I think, it is actually for four nights. Then we are even having to go outside the county for some of the rooms. There were some needs that this event planner needed that kind of exceeded the Roberts budget, so we are actually giving them a grant for \$4,000 for that specific event so we could get it, that's the bottom line. I just wanted to mention the trade show booths. We are going to have the trade show booth at this sports commission, and then also one of the associations for meetings, I'll be at a trade show there. Then, under website costs, that does include the development of our dot-mobisite and further development of our website. Our web developer is going to work on some search engine optimization so we can get higher in the listings. So when you do

like a Google search, we can be higher. That's everything in a nutshell. Is that quick enough, Larry? Are there any questions?

Paul Hunter: Has the Wilmington Inn paid their dues, yet?

Debbie Stamper – Not that I am aware of.

Paul Hunter – How much money does that amount to?

Debbie Stamper – I don't know what the total dollar amount is. I know it is two years.

Councilman Mead: I just want to compliment you on your report. It is short, it is easy to read, the numbers are all there. Job well done.

Debbie Stamper: Thank you. I aim to be concise and quick. Yes, Cindy?

Councilperson Peterson: I just finished...I was on the board of the Convention and Business Bureau, appointed by the Mayor. I have just been honored to serve on that board and have really become committed to the Convention & Visitors Bureau. I really feel it serves a valuable purpose. Personally and professionally, I appreciate the opportunity to work with you.

Debbie Stamper – Thank you. I appreciate your service. We really do. Well, thank you all.

[General comments of approval]

President of Council ProTem – Sandy Mongold: Mr. Mayor, do you have a report?

Mayor – Mayor Raizk: I have no report Madame President Pro Tem.

Asset, Acquisition and Use –Chairperson Sandy Mongold: Asset. Acquisition and use has no report.

President of Council Pro Tem – Sandy Mongold: Auditor?

Auditor – Auditor David Hollingsworth: No report tonight.

President of Council Pro Tem – Sandy Mongold: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: No report.

President of Council Pro Tem – Sandy Mongold: Water Committee?

Water Committee – Councilman Wallace: No report.

President of Council Pro Tem-Sandy Mongold: Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President of Council Pro Tem – Sandy Mongold: Solid Waste/Recycling?

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

President of Council Pro Tem-Sandy Mongold: Wastewater/Sewer?

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

President of Council Pro Tem – Sandy Mongold: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We do have one item tonight. This is more of a paperwork/housekeeping thing. Every two years we have to renew our

cooperative purchasing agreement with the Ohio Department of Transportation and it is that time to do that again. We will be asking for three readings tonight so we can renew that and participate in that purchasing.

Councilperson Peterson: Is this urgent that we have to have three readings?

Chairperson Rob Jaehnig: Yes, I believe we have to have completed.

A motion was made by Jaehnig and seconded by Peterson to give the first reading on a resolution Authorizing Participation In the Ohio Department Of Transportation Cooperative Purchasing Program.

Motion passed.

Director 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; McKay, yes.

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council Pro Tem declared Resolution No. 2223 passed as read.

Councilmember Jaehnig: Did we determine a Judiciary meeting time?

Clerk of Council: Monday, January 10, 2011, at 5:30 PM.

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

President of Council Pro Tem – Sandy Mongold: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President of Council Pro Tem – Sandy Mongold: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: I just wanted to report that I think we continue to get residuals effects from the Beck event and that is all good news. That is all I have.

President of Council Pro Tem – Sandy Mongold: Thank you. Parks & Recreation Committee?

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

President of Council Pro Tem – Sandy Mongold: Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President of Council Pro Tem – Sandy Mongold: Safety Director?

Safety Director – Mayor Raizk: No report.

President of Council Pro Tem – Sandy Mongold: Is there a councilmember or a anybody from the audience that would like to speak? Would you please take the podium and state your name and address?

Franklin Wall: My name is Franklin Wall, and I live at 713 Mead Street. I recently came to make a complaint, but I've talked to my city councilman and he has talked to the people who are going to fix what's wrong, so I came up to just let him know that I'm

satisfied. They say they will get it done when the weather is fit, so if they do that, there will be no more complaints. That's all I got to say.

President of Council Pro Tem – Sandy Mongold: Okay. Thank you very much.

Mayor Raizk – Thanks, Frank.

President of Council Pro Tem – Sandy Mongold: Are there any other comments or questions?

President of Council Pro Tem – Sandy Mongold: Do I have a motion to adjourn?

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

Motion passed.

Meeting adjourned

ATTEST:

President of Council Pro Tem

Clerk of Council

Wilmington City Council met on Thursday, January 20, 2011, with President Fred Ertel presiding.

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

Chief Mike Hatten and Assistant Chief Duane Weyand were also present.

A motion was made by McKay and seconded by Mead to excuse the absent members.
Motion passed.
Absent members excused.

Council gave the Pledge of Allegiance to the flag.

President of Council – Fred Ertel: Thank you so much. I'm glad to see everybody here. We have more people here on snowy evenings than we do on clear evenings, so this is good news. Maybe we'll have snow next time. Hopefully not.

A motion was made by Wells and seconded by Wallace to approve the minutes of the last regular meeting, January 3, as received.
Motion passed.
Minutes approved as received.

President Ertel: At this time, I would like to turn the floor over to Brian Shidaker. If you would, Brian, come up and state your name and address for the record.

Brian Shidaker: 857 Willowbend Dr. Thank you, Mr. Mayor and Members of Council, for the opportunity to speak tonight. As many of you are already aware, I am here to formally announce that I am seeking the office of Director of Law for the City of Wilmington. Before I begin, I would like everyone to know that approximately 10 months ago, I had the opportunity to sit down with Ms. Hapner and discuss the future of the office of Law Director for the City of Wilmington. It was at that time that she indicated to myself that she had no intention of seeking re-election for the office. After discussing the various options with my family, close friends and coworkers, I decided back in November 2010 to announce to the Republican Party my intentions to run for the office. Today, I would like to make the formal announcement to the City as well. In light of that announcement, I would like to briefly tell you a little about myself. I was born here in the City of Wilmington at Clinton Memorial Hospital back in 1981. I had a wonderful childhood. I spent the first 16 years of my life on Peggy Lane over in McDermott Village. Everything, you know, a child could want, kick the can, hide-and-go-seek, riding bikes with all the neighborhood kids. That is when I began to truly love the City of Wilmington and this community. When I was 16, my parents decided to move out to Loving Lane, which is just right outside the City of Wilmington, and they still reside there today. I graduated from Wilmington High School in 2000. After that, I went to the Ohio State University and my undergraduate degree was in criminology. I graduated from there in 2003. Next, I attended Thomas M. Cooley Law School, which is located in Lansing, Michigan, but I will assure you I am a Buckeye at heart.

[Laughter]

Brian Shidaker: I graduated with my Juris Doctorate in 2007 and I immediately began working as an intern for the Clinton County Prosecutor's Office in April 2007. Next, I passed the bar in November of the same year and at that time became a full-time Assistant Prosecutor for Clinton County. Like most prosecutors, I started out prosecuting the child support cases. I slowly moved into Children's Services work with cases of abuse, neglect and dependency. Then, in January 2009, I was fortunate enough to be appointed the chief felony prosecutor for Clinton County. Since that time, I have handled the majority of the felony cases that go through our county, and that includes the entire process of Grand Jury, plea negotiations, jury trials, sentencing, appellate work (which is the appeals process), and several other responsibilities as well as far as the criminal

aspect is concerned. With the help of the other criminal prosecutors in our office, we have not lost a criminal trial in this county in over two years, and that is something we are very proud of in this office. We have been very successful over the past couple of years. On a personal note, I am married to my beautiful wife, Dori. She works for Children's Services as an investigator. She is on call tonight, so she cannot be with us. I just want to give you a very, very brief story about our first date. First of all, I was lucky to have the opportunity to get that first date. At the same time, I did have one major concern, and that was I knew that my wife Dori was from Iowa and I knew her family was from Iowa. We have all heard the phrase, certain things can be "deal breakers," and that was a deal-breaker...that issue. So, on the first date, as on many first dates, I was extremely nervous. It was important to me, and I finally asked the question what her intentions were...did she plan on moving back to Iowa or not. There was a lot riding on that answer. She did not hesitate. She said, "no," and that huge weight lifted from my chest. We were married. We are now expecting our first child, and it is a wonderful life. The reason I tell you that story is to demonstrate to all of you how important this city is to me. If she would have told me that her intentions were to move back to Iowa, that would have been the last date, no matter how lucky I was to have that opportunity to have the first date, because I grew up in this town. When I went off to college and I went off to law school, I always knew I was coming back to this town. I knew I wanted to do public service work for this town. What I am here to tell you tonight is that I pledge to the City of Wilmington, if I am elected as Director of Law for the City, I will be here at every meeting for City Council. I will work harder than any other attorney in this county at the job I am doing. I will perform the duties to the absolute best of my ability. Over the course of the next several months, I look forward to meeting each and every member of Council, including you, Mr. Mayor. I would like to discuss the issues and concerns that face our city today and in the future, and I want to answer any and all questions that any of you may have. With that said, I do not want to take any more time away from the business that needs to be conducted here tonight. Once again, I want to thank you for the opportunity to make this announcement tonight, and I look forward to working with each and every one of you very soon. Thank you.

Mayor – Mayor Raizk: Thanks, Brian.

President Ertel: Thank you so much.

[Applause]

President Ertel: Okay. That completes my portion. Mr. Mayor?

Mayor Raizk: Thank you, Mr. President.

Mr. President, Members of Council, Distinguished Elected and Appointed Officials, Guests, and Fellow Citizens: "Faith is taking the first steps, even when you can't see the whole staircase," Martin Luther King, Jr. said that and I believe it to be true. The year 2010 may have been the most momentous year in our history. The word "history" is most important here because 2010 was the 200th anniversary of the founding of Wilmington and Clinton County. Our hats are off to Debbie Stamper and the Bicentennial Commission, and the thousands of people who participated in the many events, activities, and celebrations. It was not a carnival; it was a year-long celebration of our heritage, our history, and our commitment to our future by building on our past. I cannot mention all the events or thank all the people involved, except to say that this was a celebration truly worthy of the citizens of Clinton County.

The year 2010 also saw the gifting of the Wilmington Air Park to the community in June. It is said that the days of doing business on a handshake, where a man's word is his bond, are gone. But I can tell you that the commitment that John Mullen made to me on May 28, 2008, to donate the Air Park never wavered. It did, however, have to navigate some pretty tricky and dangerous waters. There are not enough words to express our thanks to John Limbert, CEO of National Bank & Trust and Chairman of the Port Authority, whose expertise, savvy, and due diligence navigated those difficult waters and

made the donation of the Air Park a reality. John, the citizens owe you a debt we cannot repay. Thank you.

Joe Hete, CEO of ATSG, is another person who deserves our thanks. He committed to me in Washington, on a handshake, to keep his business here at the Air Park. This meant that the Air Park never went dark, and the growing business of AMES and other units is a real foundation for job creation.

We also welcome Kevin Carver. Kevin has been invested with us since Memorial Day weekend 2008 as Regional Director of the Ohio Department of Development. He has worked right alongside us through some of our darkest hours and now brings his considerable talents to us full time as Executive Director of the Air Park.

2010 brought orange barrels to Wilmington. And while many of you hope you never see another one, we were able to install or replace miles and miles of curb, gutter, sidewalk, driveway pads, and pavement on Locust, Main, South and Xenia. Some of the sidewalk we replaced was put in by the WPA (Works Progress Administration), which was a federal program from the late 1930s and early 1940s. This 4.5 million dollar project, funded entirely by The Stimulus Act, has greatly improved the appearance and the safety of our community, at no cost to the city or the property owners. Another major project was the reconstruction of Nelson Avenue with curb, gutter, storm sewer, a new roadbed, and... Surprise – some sidewalk! This upgrade of our most westerly north-south connector will not only support the residential traffic but commercial and industrial growth as well.

This brings us to another major project: the acquisition of the Randall-Textron facility. It seems folly to acquire a 62-acre abandoned industrial complex in the face of crippling job losses in our community. But with the help of grants from the Clean Ohio Fund for acquisition and environmental remediation, we will soon have a facility and a new industry that will create good jobs in our community.

Buy why even attempt any of this, given the hard times our community has and is still suffering? Because we have faith...the faith that Dr. King spoke about: faith in our heritage, faith in our community, and faith in each other. Our forefathers knew that if you weren't moving forward, you were standing still; and if you were standing still, you were falling behind. They had the faith to keep taking those steps forward, even though they couldn't see the whole staircase. We must continue that tradition and that faith. Two hundred years of history demands it.

The State of the City is safe, secure and financially sound. For the first time in 27 years, the city will have a new treasurer. Geoffrey Phillips will be taking his skills and talents to the office of County Treasurer. In a way, he won't be leaving us at all, as he will still be collecting our taxes! Geoff, congratulations and good luck in your new position, and as to your city service, we say, "Well done!"

Wait a minute! Did you say financially sound? What about these "budget deficits" I've heard about? Last year at this time, our budget projected a \$2,000,000 deficit to the carryover. I said we would have to cut \$800,000 to \$1,000,000 out of that deficit. At the end of the year, we had reduced the projected deficit from \$2,000,000 to \$900,000. Yes, we had to lay people off. It was the worst time of my life. I tried for two years to avoid layoffs, with wage and step-increase freezes, but when the budget is 80% personnel, it was inevitable. After ten years of unprecedented growth, building up departments and adding staff, we were faced with right-sizing staff to deal with the decrease in revenue and in service. But, there is some reason for hope. Because of the herculean effort to control costs, we will begin 2012 with the largest carryover since 2005, without Air Park revenue. We have always said

it was about 2012. The actions taken since 2008 were to try to position us for sustainable operations in 2012. The real stars of this effort are our supervisors. I want to take this opportunity to thank them. Many of them are here tonight. I would like you and any employee of the City of Wilmington, please stand up. Please. There is one around the corner too.

[Applause]

It is not just a job for them, as some have said. They have taken ownership of not just their departments, but of the City and the people to whom they provide service. It is their creativity and hard work and diligence that have resulted in our budget savings, without any tax increase or reduction in service. And we fully expect their effort to continue to reduce our budget in 2011. They understand, as I do, that it's not just about cost-cutting or balanced budgets, but about stewardship. Stewardship is using our limited resources to provide the best service we possibly can to the citizens of Wilmington. The citizens don't provide us revenue for a savings account. They want top quality service; they deserve nothing less. Our only agenda is the health, safety and welfare of the citizens of Wilmington and the services needed to support them. There can be no other.

To that end, all of our employees have had no cost of living increases or step increases since 2008. Given the increase in living costs over the last three years, that amounts to a significant pay cut. Yet, they continue to give maximum effort to serve the citizens and I thank them. Additionally, they have given 77 days of voluntary furlough to help our efforts, even though this negatively impacts their retirement. Why? Because they care about our community and its citizens. For this reason...because they are good stewards of both the resources and the trust the citizens have given us and because they have faith that tomorrow will be brighter, I stand with them. To that goal, we are "all in!" As a result of everyone's efforts and creative new sources of revenue, we will shortly be looking at the possibility of recalling some of our safety personnel. I am committed to two things in 2011: no additional layoffs and no tax increases.

I want to thank Auditor David Hollingsworth and especially Deputy Auditor Mary Kay Vance for working with the administration during these strident financial times. Their hard work and creative engagement have been invaluable in showing a little light at the end of the tunnel. I wish to thank the members of Council, especially those who stood together when it wasn't popular to make sure the city ran smoothly. Additionally, I wish to thank Laura Curliss. Laura is the in-house administrator of our third downtown grant, and wrote the successful grant application. Grant-writing was a service we formerly paid for, so this was a tremendous savings for the City. Also, without her talents, we would have never been able to navigate the Clean Ohio grants necessary for the Randall-Extron project. Laura, our hats are off to you. Finally, Andrea Tacoronte, our first line of defense for the administration and the council, we thank you.

Wilmington stands at the crossroads. We can stand still, we can go backwards, or we can have the faith to take those steps forward. None of us can see the rest of the staircase, but let's have faith in each other and in our community. Let's collaborate, not criticize. Let's strive for consensus, not antagonism. The example for us is 200 years old. Our founders took those steps, believing where they could not prove. Let's honor our heritage and their example and continue to take those steps forward. There are tremendous opportunities ahead of us, if only we have the faith to engage the future. And, if we have enough faith, maybe we'll get a peek at the whole staircase. Thank you.

[Applause]

President Ertel: Thank you so much, Mr. Mayor. Moving to the agenda...Asset, Acquisition and Use?

Asset, Acquisition and Use – In absence of Chairperson Sandy Mongold, Councilman McKay: 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 – In the absence of Chairperson Sandy Mongold, Councilman McKay: We have several items tonight. Unfortunately, we will only be able to give one reading to each of those because we don't have the necessary votes to suspend the rules. The first item is an ordinance establishing a new fund, the CORF grant fund. Does anyone have any questions in regard to that?

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

Councilman McKay: The second item is an ordinance establishing a new fund, which is a CDBG Formula Year 2010 fund.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

Councilman McKay: The next item is an ordinance making Supplemental Appropriations.

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.

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

Councilman McKay: The last item is a resolution requesting advanced payment for settlement from the County.

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

Motion passed

Director of Law read ordinance by title only.

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

Councilman McKay: That is all I have.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have no report.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: Mr. President, in Cindy’s absence, we have the first reading on a final resolution authorizing the Urban Paving project and declaring an emergency. Larry Reinsmith is going to speak to us about that.

Service Director Reinsmith: Yes. This is a project that is going to...do you remember when we did the stimulus project on West Locust Street and at that time ODOT would not let us pave westbound Locust Street. They did put the curb and gutter in, but they said we paved it not too long ago, so ODOT didn’t want to spend their money. But, the Mayor kind of worked on Hans and it is probably one of Hans’ last big gifts to the City, because he’s gone now. He did agree to do an urban paving project to pave Locust Street and clean that up. ODOT engineered it. It is ready to bid out here in the next couple of weeks, and we really need three readings tonight, but we’ll work around that.

Councilman Jaehnig: Do we need to have a special meeting?

Service Director Reinsmith: No. When he talked to me this morning, I figured we would get it passed, but then I think a little later on we had one councilmember cancel on us. They had to have it in Columbus on Monday morning, so I’ll break the bad news to them in the morning. But, they’ll just slide it down a month, probably.

Councilman Wells: Are there any questions?

A motion was made by Wells and seconded by Wallace to give the first reading only on the resolution Authorizing the CLI US 22D (Urban Paving) PID 89011 Project and Declaring an Emergency.

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: That is all we have, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Okay. Wastewater/Sewer?

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

President Ertel: Okay. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have two items tonight, Mr. President. The first reading is on an ordinance setting a salary for Mr. Reinsmith at a lower rate than the minimum amount required by the City of Wilmington for an employee pay plan adopted under Ordinance 4823 for the Director of Public Service. For those who were not at the Finance Committee meeting, this will allow us to bring Mr. Reinsmith in at a lower than starting rate, which would allow the City to save a larger sum of money toward our budget. Are there any questions in regards to that?

Councilman Wells: I had one question. I didn’t get to be at the Judiciary Committee meeting. In the ordinance, under Section 1, it says “this Ordinance concerns only the setting of an annual salary for Larry Reinsmith.” I wanted to ask about the benefits package. Would this be just like a new hire. Is that how it works?

Mayor Raizk: No, it is not exactly like a new hire because by law he has his time in. The benefits would be the same as he would be receiving now in terms of that.

Paul Hunter: It is a percentage of his income.

Mayor Raizk: That is exactly right. The cost savings calculated all of that in there. This will save us about \$44,000 of what he is currently making. He will retire and then be hired. The reason why we are bringing this before council is that we are going off of the pay plan. He could be re-hired without council's approval at the opening range of Service Director. What we are asking is to do a range that is lower, which will actually save the City an additional \$7000 than where he would normally be. The total savings...it is all calculated out...is around \$44,000, and that includes vacation and all of that.

Councilman Jaehnig: But it does not take into consideration if we did not have Mr. Reinsmith, any contracts we would have to sign for building inspections.

Mayor Raizk: No it does not. As you know, Mr. Reinsmith is the only Chief Building Official in the county. He is providing the services of Building Inspector to the City. He is not paid any extra for that. The last time prior to doing that, we contracted for \$36,000 for that service. Prior to that, two years before that, we were paying \$72,000 for that service. So, not only are we saving \$44,000 but we are also saving \$36,000 for the Building Inspector. Now, that is actually in the current budget because he is doing that as we go along, but I think it needs to be pointed out that he is doing that job. Yes?

Councilman Mead: I just want to make a statement concerning this ordinance. I know the other day at the meeting of the committee, the Mayor made it very clear to us what he had planned and that he was not asking for permission to do whatever he was doing. He was simply asking council to approve a lower wage rate. That is the only involvement that council has in this ordinance. Personally, I am basically against retire-rehire, but in this case, since we have no involvement...the Council has no involvement...we're not proposing for or against whatever the mayor chooses to do. He has full authority to do this. We are only voting on whether we establish a lower wage rate in this particular instance. And because it saves the city \$44,000, I will be voting 'yes' on this ordinance. Thank you.

Councilman Jaehnig: Yes, Larry.

Service Director Reinsmith: Can I say something?

Councilman Jaehnig: Of course you can.

Service Director Reinsmith: I hear everybody talking about me in the third person...so...I just want to say that I, myself, don't like double dippers. I never could figure out those that retire and that are rehired at the same amount of money, because it seemed like a real windfall for those employees. I said, "What benefit is it for those jurisdictions or bodies that do that?" Earlier this summer the Mayor and I were talking and he was really distressed that he had to lay people off...he had to lay firemen off...he had to do this and do that. I said, you know, here is a way that I can still work and get paid but not have the City pay my salary. I can get a little stipend from PERS and I can save the city money. Maybe you can take that money and hire somebody back. I didn't realize when I made that offer (it pains you a little bit, because you make that offer), but you have to sit out for two months of not getting paid from PERS. I had \$82,000 worth of sick leave I'm going to lose and start all over again. So, that was 39 weeks worth of sick leave – I never missed. But, I made the offer and I said, "Let's do it," so hopefully it all works out.

Mayor Raizk: A card laid is a card played. Don't pull it back now.

[Laughter]

Service Director Reinsmith: No, I wouldn't do that. But it's not easy. It's all because the Mayor and I talked and it really bothered him to lay people off...you know...safety people. And he said, if there is a way I can do something to help try to get some of these people back, and I just threw that out as a way. Because I'm not ready to retire. I'm fairly young. Paul?

Paul Hunter: If Mr. Sexton would have followed your lead, the school would be in a better position that they are. He took \$25,000.

Service Director Reinsmith: He did?

Paul Hunter: Period.

Service Director Reinsmith: Well, I think if it was possible for others...

Paul Hunter: He got a bonus.

Service Director Reinsmith: I think it would work good for people. Not everybody is in that position. Maybe those that are covered under civil service couldn't even do it anyway, but this situation is an appointee. The Mayor can do something...and just take a pay cut.

Councilman Jaehnig: Thank you, Larry.

[General comments of appreciation]

Councilman Jaehnig: Are there any other questions?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Setting the Salary for Larry Reinsmith at a Rate Lower than the Minimum Amount Required by the City of Wilmington Employee Pay Plan Adopted in Ord. #4823 for the Director of Public Service.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: The second item today is a resolution expressing support for the implementation of a bio-purchasing program inside the city. Since we are a green enterprise zone and we are promoting green development in our community, we have a piece of legislation that encourages, when fiscally and economically responsible, our department heads to pursue bio-products when they can to replace chemical-based or oil-based products. Obviously, they need to work as well, if not better, than what we are already using. If we are using twice as much, that is not economical. But, it helps us walk the talk of becoming a green economy and heading down that road. But, this is to kind of give them the motivation to pursue that. There will be opportunities for them to participate in on-line webinars to talk about the products, they will get product lists, and so forth. So, I think it is a step in the right direction. As the vote goes forward, I will need to abstain myself from the vote since this legislation was originally suggested by CIFT, the Center for Innovative Food Technologies, which I currently work for. Any questions?

Councilman Wallace: I want to play the what-if game for a second. If, by chance, one of our City directors was doing something and they decide to purchase some item and later on it is found that there was a bio-substitute that they could have used that they did not use, could they be up for a legal type of thing if we put this in place?

Councilman Jaehnig: Oh no. In it, it clearly states that our intention is to encourage them to pursue that. Number one, it has to be economically responsible. The last thing we need to do is increase our costs in order to try to pursue something of that nature. Secondly, it may be less expensive, but if it is not as effective, then we're not gaining anything. Literally, there is not going to be anybody checking over their shoulder to see

if they are even pursuing this. It is more of a “Let’s work together and see what we might be able to find.” We might be really surprised. The state is continually adding products to this list. The real advantage is...these are bio-based products...so they come from agriculture. We are an agriculture county. That has been our backbone for as long as the county has been around. This is something that could eventually help our farmers or help development in bio-based products in this area. It is something the state is pushing for in regards to development and looking into. Again, the number one thing and my biggest concern when we start talking about this is we have to be economically responsible first. Any other questions?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Expressing Support for Implementing a Bio-Preferred Purchasing Policy for the City of Wilmington, Ohio.

Jaehnig abstained. All others voted yea.

Motion passed

Director of Law read ordinance by title only.

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

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

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I would just like to mention that it looks like we are going to get some more nationwide publicity on the Beck Show again Friday night, so everybody listen. That is all I have.

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: I would just like to say that is going to be cold and very windy over the weekend. It snows and it blows, so drive carefully.

President Ertel: Okay. Safety Director?

Safety Director – Mayor Raizk: Ditto. Drive carefully. Denny is really just here taking a break. He worked all day long and he is going to work all night long, but he is just here taking a break.

President Ertel: As you can see, we have a lot of reports; however, the Treasurer’s report would like to be presented by Geof. Geof, would you come up please for that?

Geoffrey Phillips: Mr. President, thank you. Mr. Mayor, Mr. President, Director of Law, Members of Council, Distinguished Guests. Five thoughts tonight and I will speak quickly, because I know I’m the only one between you and going out in the snow. Five thoughts tonight. You have in your packet an annual report for 2010, and I would direct your eyes to page one. Just some brief highlights. Obviously, as the world has turned in America, interest rates are at record lows. One of the first things I did back in the 80s was to look at CDs that the City had on the books. At that point, 1982, interest rates were 15-16% and the City had had previously several hundred thousand dollars at 3%. We’ll never see that again. We had in 2010 a number of CDs that placed at less than 0.5%. The net result of that you see on the page is our interest earnings in 2010 were less than \$65,000. In 29 years of aggressive cash management, we have produced considerable returns, but it was the lowest year. The highest year, you will notice lower on the page, 1998, almost \$1.25 million – a drastic difference in interest rates and a drastic difference

in available funds. You have that information. The second thing I draw your attention to is the annual report from the Tax Commissioner. One of the greatest challenges that Marque Jones as Tax Commissioner and I dealt with was to give you a revenue forecast for 2010. Some of you are aware and may recall that we gave an initial number, and during the budget process 14 months ago we went back and revised it. The biggest challenge that we had was in 2009, we crossed \$7,000,000 in income tax. With the closing of a lot of the operations at the Air Park, what was that impact going to be? Many of us had to feel that the Air Park was going to go to zero and that there would be very little activity. When it was all done and settled in 2010, there were about 800 jobs. As I shared with many of our government leaders across the state, 8000 people went home. Importantly, 800 people have employment in this community. A lot of communities in Ohio would love to have 800 employees. We miss that zero at the end – it was 8000 jobs. Our estimate in March report for 2010 was that we would collect \$4,175,000. We almost got there. Marque wrote a note for me. We were \$1,969.07 short. We collected \$4,173,000. What was exciting to us is as a City, we don't have a financial model. We talk to a lot of businesses and we looked at a lot of numbers as we made this estimate. We have good friends to the west of us in Montgomery County and they have a very extensively developed University model. They missed their estimate by six figures. It is a compliment to Marque and his staff and their understanding of this community that we came that close. At the bottom of the page, the estimate for 2011 is beginning to show some stability. We are suggesting we will be at \$4,100,000, a little less than what we collected this year. The thing to remember is that a year ago at this time, we had a number of folks at the Air Park that were receiving retention and severance dollars. Those dollars are all completely gone, so the tax impact of that is gone. The encouraging thing is, and Marque and I have briefed the Mayor and David Hollingsworth in our estimate, the encouraging thing is that there are a number of businesses in this community that are showing slight upticks in employment. We have one major industry on the south side of town that a year ago at this time versus today, they are up 70 jobs. Seventy families are back working, and that indicates a stronger local economy. David's predecessor, Nick Eveland and I used to always look at this income tax report. This is our true measure of the local economy. How strong are we? Seven million dollars represents \$700,000 in income and wages paid. Last year, we collected \$4,173,000. That is \$400,000,000. We had an economic drop of \$300,000,000 in available revenue in this market. We know people who lost jobs. Some of you may have had spouses or family members who lost jobs. We have neighbors, but that is the dollars and cents of the impact. Three hundred million dollars gone. One of the things I pass tonight as we move forward, and Marque and I have been looking at ways that potentially we could enhance our income tax ordinance, and if you will pass these over, Laura. For consideration by the Judiciary Committee, Mr. President, if you wish, the income tax ordinance has always been under the Judiciary Committee. Ohio is welcoming soon casinos. Ohio is welcoming increased lottery in other options. One of the things that is weak in our ordinance is the ability of your Tax Commissioner to tax and collect when those kinds of major earnings occur. I stand before you tonight recommending one of the first enhancements to our income tax ordinance in a long time. That you consider this year taxing income qualifying wages relating to opportunities from lottery, gambling, sports winnings, games of chance, and the language is there for you, obviously allowing for some deduction. This language comes from our tax advisor, who we work very closely with in reformulating our rules and regulations as well as our ordinance, so we give that to you tonight for consideration. My fourth item (first the annual report, the tax report, and this tax suggestion) is some thoughts. Probably in all of the 11 years that Davey has given his annual report, there was only one slight error there, tonight is my 29th year as treasurer. You had 27...you are close. Some numbers to share. It has been my privilege to receive packets to 698 regular council meetings. Twenty-nine years and one month. On the annual report I gave you tonight on page one, in 29 years, interest earnings for the city almost broke \$14,000,000. Had interest rates been any where near reasonably normal last year, we would have done that. Thirteen million, nine hundred and fifty-two thousand dollars. As I stand before you tonight, and I said I would not have a John Boehner moment, but I think it could safely be said that in the history of the city, in the 200 years, no treasurer has ever given you \$14,000,000 from interest earnings. The reality is, it is probably pretty difficult that another treasurer will ever give you \$14,000,000 during their time as treasurer. Some things just happen. You look at the growth of the City. We did a number of bond issues with water improvements, sewer

plan improvements, the construction of this building. While all of those funds are in our hands, we earn interest on them. We earn more interest than what we paid the bondholders. A lot of those things are not going to happen in the next immediate period of time. CD interest rates stayed now less than 0.25%. You have to create a lot of money for somebody to earn interest. Income tax to have come that close in our estimate, it's kind of shuddering. Marque came out to the office this week...and one of the things I turn over to you is a Tax Commissioner/Deputy Treasurer who can carry on. He knows the job and he has been wonderful to work with. In 1981, when I campaigned for Treasurer, I campaigned that the City needed a money manager and suggested from our best resource that the city had \$250,000 un-invested. What was important about that? Interest rates, for those who were around in 1981 (Brian was just in diapers by the end of the year. I had the privilege to work with his father. Ron was Auditor for the City), Interest rates were 15-16%. What I found in January 1982 as I became your Treasurer was over \$600,000 un-invested. Interest rates were 15-16%, and the City was getting paid zero. Interestingly, it was almost equally split between the two major banks on South Street – one on the east side and one on the west side. Some of you have heard me tell this story through the years. In 1982, you figure that \$45,000 on the east and west side probably just about paid for the tellers' salary and benefits in both lobbies

[TRANSCRIPTION INTERRUPTED – END OF TAPE]

Geoffrey Phillips: ...that money was always working. So, for a period of time, we talked about the fact that the City has been 102% vested. Mary Kay and David send the bills out and they take those funds off of the fund report and the money is gone. The cash is still in the bank as your banker. We ended December 31 at 104% invested. My last thought tonight, there are some acknowledgements I would like to make. Obviously, to all of the elected officials I have had the privilege to work with and Department Heads and employees, I didn't arrive thinking that I would stay as long. It has been my privilege to work with Marque for 27 years. There is a tough part about what I'm leading up to tell you is Marque stays and I go south. It has been my privilege to work with Mary Kay and David. David has been here, I believe, 24 years now. We have been on a number of bond issues on your behalf. First it was with Nick and then with David. Young whippersnappers from Wilmington going to New York to meet with Standard & Poor's, to meet with investment insurance houses, to sell the City as to why we should get the lowest possible interest rate and why our credit was the best in the world. The experiences that you couldn't have if you were on Council or you couldn't have if you were President of Council, but experience you could have as finance officials. It has been my privilege to work not only with David, but with Ron, I mentioned, and Kent Vandervort even before them. At some point this weekend, I will tender my resignation as Treasurer of the City. The plan at this point is that Sunday (and you are all invited) at 2:30 at the Courthouse, I will take oath of office as the next Treasurer of Clinton County...this coming Sunday, Sunday the 23rd at 2:30. This afternoon, I had one of those good family experiences. My wife and daughter were able to go with me. I went to Columbus. When you are a City elected official, you get a certificate of election mailed to you from the Board of Elections. We've all gotten them. Sometimes they save postage and they give them to Laura and we pass them out. I learned something – some of you may know – when you're a county elected official, you can't take office until you have a commission from the governor. To make sure that we could do this on Sunday, because yes, I will be shifting from collecting income taxes to real estate taxes, and to be able to go to work at the courthouse on Monday, I needed a commission from the governor and I need to be sworn in. I couldn't be sworn in until I have a commission. The commission has to be delivered to the Clerk of Courts, and it will be delivered tomorrow. The uniqueness of this commission is that, unlike many in the State of the Ohio that are signed electronically in this age...the commission that I received today has original signatures of governor Kasich and Secretary of State Husted. So, I quipped to my wife and Hannah that on E-Bay on Sunday, it will be worth lots of money to somebody. It has been my privilege. I took a little longer, Mr. President than I initially thought. I do thank you for the opportunity. I thank the community for the opportunity. It has been my privilege. Somewhere between now and Monday, there will probably be some John Boehner moments, but thank you for the opportunity. Mr. Mayor.

Mayor Raizk: Geoffrey, before you leave the podium, we would request that you and your family come to our next council meeting, if you would. If you remember when I called to congratulate you, you weren't sure what the time frame was going to be. We were unprepared to honor you in such a way, but we would like to do that at the first meeting in February. Hopefully, it will be a lot more moderate weather.

Geoffrey Phillips: Mr. Mayor, I appreciate that. I did get a call this afternoon, and there is one guy in the audience who knows this. But, I did find out this afternoon what the City is giving me as my going away present, and Gary, he can see it if he wants to comment later. While we were in Columbus to get the commission, there is snow in front of my house, and our mailbox is going to be replaced. So, thank you for that.

[Laughter and Applause]

President Ertel: Geoffrey, thanks for all your wonderful years of service to the City. Thank you so much.

Reports:

A motion was made by Wells and seconded by Jaehnig to approve the Auditor-Treasurer's Report December 2010, Treasurer's Report – Annual 2010, Statement of Interest Earned, Second Six Months 2010 and Twelve Months 2010, Income Tax Report – December 2010, Income Tax Report – Annual 2010, 2011 Projected Tax Revenue Report, and Report of Operation of Clinton County Municipal Court - 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.

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

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

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, February 3, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand 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.

President of Council

A motion was made by Wells and seconded by Peterson to approve the minutes of the last regular meeting, January 20, as received.

Motion passed.

Minutes approved as received.

President Fred Ertel: Okay. That concludes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I'm going to come down front for a minute, if you don't mind. Now, at our last meeting, because Geoffrey's appointment came very quickly, he was able to speak to you all and, of course, we did not have the time to be able to make the presentation to him. As I said last meeting, we wanted to do that. I would like to recognize somebody else here in the audience tonight. Geoffrey's father, Glen Phillips. Geoff has served over 29 years of service to the City. Glen has served probably over 50 years and is still continuing to serve as a member of Planning Commission. Glen, if you are able, I would love for you to come up and join Geoffrey and his family tonight while we make this presentation. Thank you for coming up tonight Glen. One great thing about Glen, whenever he senses that our Planning Commission meeting is over, he always calls for adjournment and then we get out. He is always on board with that, so we love him dearly for that. Geoffrey, to you and your family, my personal thanks. We've known each other for a long time. I watched you grow up, and we've known a lot of the same folks and have been die-hard committed to our community as we have grown up here. For 29 years of dedicated service and loyal service to the City and the Citizens of Wilmington, we are glad to present you with this plaque, which now bears our official Bicentennial seal. I would like to present this to you. We hope that your family is still solidly behind you as you're continuing to do this and not complaining because you don't give them enough time. You have a lovely family. Glen, you've raised a good young man here, so we appreciate that.

Geoffrey Phillips: Mr. President, if I may, I said my farewell thoughts two weeks ago or three weeks ago, but to each of you, thank you. It has been my privilege to serve the community. It is my privilege now to continue to serve. Twenty-nine years and twenty-two days. There was that fifteen-hour gap on January 23 when I was not. My farewell thought to you tonight is just remember February 14. For most of the guys it is a day where we will go buy roses or cards, but for each of you, I will remind you that your property taxes are due. Thank you.

[Applause and laughter]

Mayor Raizk: Another note that I don't like to bring to you, and I ask for all your prayers. Nick Babb was taken to Jewish Hospital today. He has had some surgery and is evidently experiencing some complications from that surgery and has been taken to Jewish Hospital. Our thoughts and prayers are with him and Sandy. Just please think about him. That is all I have, Mr. President.

President Ertel: Thank you. Let's move into committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –In the absence of Chairperson Sandy Mongold, Councilman McKay: 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 – In the absence of Chairperson Sandy Mongold, Councilman McKay: As you can see, we do have a couple of items tonight. We will take off where we finished at the last meeting because we didn't have enough votes to do three readings on these items. The first item is an ordinance establishing a new fund, the CORF Grant fund. Are there any questions?

A motion was made by McKay and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Establishing a New Fund.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read 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 Ordinance No. 4951 passed as read.

Councilman McKay: The second item is another ordinance establishing a new fund – the CDBG Formula 2010 Fund.

A motion was made by McKay and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Establishing a New Fund.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read ordinance by title only.

A motion was made by McKay and seconded by Wallace 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 Ordinance No. 4952 passed as read.

Councilman McKay: The third item is an ordinance making supplemental appropriations, which we had the first reading on at the last meeting.

A motion was made by McKay and seconded by Wallace to suspend the rules and give the second and third reading on the ordinance Making Supplemental Appropriations.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read ordinance by title only.

A motion was made by McKay and seconded by Wallace 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 Ordinance No. 4953 passed as read.

Councilman McKay: The next item is a request of the county to give advance payments to the city for settlement of real estate taxes.

A motion was made by McKay and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution Authorizing a Request for Advance Payment from the County.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read resolution by title only.

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

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

President of Council declared Resolution No. 2224 passed as read.

Councilman McKay: The last item is an ordinance Making Supplemental Appropriations. It has to do with Worker's Compensation.

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. 4954 passed as read.

Councilman McKay: That is all for tonight.

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. This is a companion piece of legislation to the preliminary legislation we passed earlier. This is for our urban paving project.

A motion was made by Peterson and seconded by McKay to suspend the rules and give the second and third reading on the final resolution Authorizing the CLI US 22D (Urban Paving) PID 89011 Project and Declaring an Emergency.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2225 passed as read.

Councilwoman Peterson: We have no further legislation.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda; however, Don Maher has given me a year-end report for our curbside recycling and our percentage average for the year is 11.9% participation. I am kind of disappointed in this number. It is too low. We need to increase our curbside recycling. I would also like to know if it is possible in our utility billing that we might get some notifications to the public about getting the bins and getting involved in curbside.

Mayor Raizk: Yes, we can do that. We are planning some more education of the public. We have some grant dollars. What little we have left, we are going to use for educational materials to try to get the word out. Now we have the truck; now we've got the bins. We've got the program. The logistics are working well, but now we just have to up the participation. That's where we're going to focus our efforts in 2011 is on the participation side. I'll keep you informed about that.

Councilman Wells: I just want to encourage the citizens to get a blue bin and participate in the curbside recycling. It is the right thing to do.

Mayor Raizk: We're hopeful that there will be a natural up-kick as people have transitioned out of the bag and into the bin. Once people get real comfortable with that, it will happen. We should get up that extra 4-5% like we were about 6-8 months ago.

Councilman Jaehnig: If we could get a little push too from the Solid Waste. The better we do; the better they do. If they could help push the recycling, I think that might be a good thing too.

Councilman Wells: That is all I have, 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 two items tonight. The first is a second reading on the new adopted pay plan in regards to the Director of Public Service, Larry Reinsmith, at a lower pay rate. Are there any questions on that before the second reading?

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Setting the Salary for Larry Reinsmith at a Rate Lower than the Minimum Amount Required by the City of Wilmington Employee Pay Plan Adopted in Ord. #4823 for the Director of Public Service.

All members voted "yea."

Motion passed.

Director of Law read ordinance by title only.

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

President Ertel: Okay. The next resolution was to deal with the bio-preferred purchasing policy from the City of Wilmington. We had the first reading at the last meeting. There is a possibility of perhaps some issues with that because it does involve Rob potentially. He brought it up. So, therefore, what we will have to do is to ask for a second reading and please do not have a second to it. What we will do then is let it die by lack of a second. Then that same legislation will be brought back at a later time. This is not a time-sensitive issue. We want to make sure we do it the right way, because it could be a potential conflict-of-interest for Rob. We just want to make sure that that does not occur.

Councilman McKay: Should someone else move for the reading?

Councilman Jaehnig: Please.

President Ertel: Please. And then when it comes back, we will have to have someone else move for its first reading in the future.

A motion was made by McKay to give the second reading only on the resolution Expressing Support for Implementing a Bio-Preferred Purchasing Policy for the City of Wilmington, Ohio.

Clerk Laura Curliss: Is there a second?

Motion failed for lack of a second.

Councilman Jaehnig: That is all for Judiciary. Thank you, sir.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report tonight.

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 - Convener Mike Wallace: No report.

President Ertel: Thank you. Mr. Service Director?

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

President Ertel: Very good. Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

President Ertel: Before you we have the Income Tax Report and Marque Jones would like to talk to us a little bit about it.

Marque Jones: Good evening. I thought when the Income Tax report went out, I said, it really is awfully bad because of the way it ended last year. Of course, it was not a very good year. I thought what I would tell you is (Mr. Phillips no longer being with me; he would normally make this type of report), you know, it is all a matter of when we get the money in the mail. So, even though it looks bad, I'm just going to give you a little bit of update as of the deposits for today. On the report that you have, it shows us being around \$197,000 down. But right now, we're only at \$120,000 and we have some big payments that are going in tomorrow, so it is going to keep going down. I would assure you that we are going to keep working hard to get that number all the way down and get it even and do the best job we can to make sure we make our estimates. I don't want anybody to hit the panic button. Because when I saw that, I hit the panic button, and I don't want you guys to hit the panic button too. But, I started digging into who paid and who didn't pay and found out it was just a matter of a lot of them we didn't get in until the first of February. We should be doing good the rest of the month. Thank you.

President Ertel: Thank you so much, Marque.

A motion was made by Wells and seconded by Wallace to approve the Income Tax Report – January 2011, 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. Just a pet peeve that I have is overuse of the emergency clause. We have been doing it over the years and I have been whining about it over the years. The most recent example was the purchase of the parking lot by the county of the Textron parking lot. That was passed as an emergency back in December 16 under the assumption that the county wanted that closed out by the first of the year. That issue is still open. We have no idea if the county is going to act or when they are going to act, and by going to the emergency, as I have said before, it does two things. It keeps the councilmen and the public from thinking this over, cause bang, bang it's done and it goes into effect immediately, so there is not chance for council or the public to look at it in depth come back to another meeting and say "Hey, I don't like this, and this is why," or whatever. It also takes away the right of referendum. I don't mind this purchase, but let's say I didn't like it and there were some legitimate complaints that I had. I could put it on the ballot for the next election and have it overturned. Well, that's gone with this going into effect immediately. I'm not accusing anyone...it's just the appearance that I'm concerned with. It would appear that "Oh, my goodness, they're

rushing this through.” I hear this a lot. They’re rushing this through because they don’t want the people to put up an objection. I know the mayor doesn’t like criticism, but I hope this will pass...

Mayor Raizk: What do you mean, “I don’t like criticism?” Who says I don’t?

[Laughter]

Paul Hunter: You did.

Mayor Raizk: I’ve been criticized all my life. You should come to my house!

[Laughter]

Paul Hunter: I’m just taking your statement from the State of the City, “criticism and collaboration.”

Mayor Raizk: But, that wasn’t about criticism. That was about “Let’s all work together.” That’s what I was getting at.

Paul Hunter: Well it was both things. Okay. Anyway...

Mayor Raizk: I mean...you don’t hear the criticism I get at home.

Paul Hunter: Well, I get that too. Finally, I live in Southridge and I shopped since it opened at what I still call Bob and Carl’s. I went to the last opening day. They were just open to talk to the people and say goodbye and to shed a tear, really. They voiced to me concern that “The City has forgotten all about us.” They talk about downtown, and they talk about DHL, but no one has said a word to us about all these employees leaving and losing their jobs and the south end neighbors saying, “Now we have to go clear across town.” I figured when I retired and I could no longer drive, I could crawl up to Bob & Carl’s and get the necessities of life. That’s gone, and there is nothing we can do about it.

Mayor Raizk: I would like to say something to that, Paul.

Paul Hunter: Okay.

Mayor Raizk: I spoke to the employees. They called when this decision came down very quickly to them. I made a call to the owner of the company. We had about an hour phone conversation, and I did the best I could to offer anything that I could, because I am a patron of that place as well. But, he was pretty resolute. I said whatever we could do to encourage him or whatever. He did offer a little ray of hope...I don’t know how good...they have been working with another company that has...what do you call...Save-A-Lot. They are not as big of selection type store.

Paul Hunter: Like an Aldi’s sort of thing?

Mayor Raizk: Similar to that is my understanding. He was hopeful. They are on the hook for the rent, I assume. He was saying... I said, “If you need assistance with that, we’ll do whatever we can.” I did talk to him for at least a good 45-minute phone conversation about it. There was no stopping it.

Paul Hunter: I’m sure they would be interested in knowing that you do have concerns and have spoken to them about it.

Mayor Raizk: Yes. And we’ve talked to the employees, they contacted the office, and that is why they reached out to the ownership.

Paul Hunter: The liquor store is going to stay open for a month or so they told me yesterday.

Mayor Raizk: If you remember, it was up here before the council the transfer.

Paul Hunter: I didn't recognize it, though, at the time.

Mayor Raizk: I saw it, and I was trying to figure out what was going on. That was an actual transaction between them and Kroger. That's the way he explained it to me. They actually sold the liquor store to them.

Paul Hunter: Because you're only allowed to have one in the county, aren't you.

Mayor Raizk: I don't know what that rule is, but I think it is based on population.

Paul Hunter: That's the only one I know of.

Mayor Raizk: Anyway, he did say that they had sold that to Kroger.

Paul Hunter: Well, when I see the employees, I'll tell you them you are concerned and that you have tried.

Mayor Raizk: Absolutely.

Councilwoman Peterson: Mr. President.

President Ertel: Yes, ma'am.

Councilwoman Peterson: I just wanted to encourage council...you received an invitation to have lunch at Head Start. For those of you who haven't participated or even if you have, I would encourage you to do it. It is a great experience. You'll leave there forever changed. It is great work. The children touch you. I would just encourage you to do it.

Councilman McKay: I have done it, and I would second that.

Councilwoman Peterson: You literally leave there a changed person and you are very touched.

President Ertel: Very good. Thank you. Yes, Don?

Councilman Wells: Mr. President, I see in the audience Jeremy Bryant is here, and I would like to say that this week I notified him about a light out in the 3rd Ward, and almost immediately I got a response. I appreciate that very much and want to...

Jeremy Bryant: That kind of leads into my segue...

[Laughter]

Jeremy Bryant: Power outage update. I really don't want to follow the topic of criticism.

[Laughter]

Jeremy Bryant: As of 6:00 today, there were less than 50 outages still. I don't know if any of you all are affected by it. There are seven crews in Clinton County working on it. We're hoping to have everybody restored by tomorrow night. Clinton County and Greene County, they think will be tonight, but I can't guarantee that. I wanted to give you guys an update. And any light bulb outages are probably going to be prioritized down the list.

Councilman Wells: Well, I thank you for your quick response.

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. Councilman Jaehnig and I, as you see in front of you, and some of the audience members, are working on the Hope 100 project. This is a volunteer effort project by CIFT and with community effort by the college and Grow Food Grow Hope. We are looking for 100 volunteers to be able to work within the community on several different projects, such as community building with restaurants – basically locally grown food within the community and in relationship with the restaurants. So like having a locally grown food day at, I’m going to say, the General Denver, the Mediterranean, Jen’s Deli, but trying to get every restaurant incorporated into this. That is just one of the many projects that this will incorporate. Councilman Jaehnig can speak more to it as he is the group leader and I am the community liaison. This means that I will be reporting to Councilman Jaehnig about what the community is actively pursuing and the concerns of the citizens and how I can relate to the two groups to further better the projects. So, if Councilman Jaehnig would like to speak to it...

Councilman Jaehnig: Simply, it is just a great opportunity for anybody that wants to get involved in actual economic development projects. One of our strongest attributes has always been agriculture. It is what the county was built on. It will carry the county far into the future. One of the things that can help with that is having a strong local food economy. While there are groups like the fresh network that are working on it, and Buy Local has done a lot of work on this type of thing. They have a lot of great ideas. A lot of great visions, and right now they just need some manpower to enact a lot of these different ideas. February 10 at 6:30 in the McCoy Room we are going to be rolling out this project and looking for volunteers to take on some of these projects. We are hoping for 100 volunteers at 100 hours a piece. That’s 10,000 man hours and complete 100 projects. That’s our goal. Just to kind of help kick-start the economy and give everybody a chance to actually get involved instead of sitting on the sidelines waiting to see what is going to happen.

Jonathan McKay: And too, this is in conjunction with the Farmer’s Market and trying to better make the public aware of what is going on. We are just trying to further the growing of Clinton County and the local – what they have to produce – Cherrybend Pheasant Farm, the Lavender Farm, we even have a sunflower farm in Clinton County, and of course, Stoke’s Strawberries, which has been around ever since I can remember, probably my folks. This will help better their business and also bring people to them to make the community more aware of what they do. Does that pretty much cover?

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, February 17, 2011, with President Fred Ertel presiding.

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

Chief Mike Hatten was also present.

A motion was made by Peterson 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, February 3, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: I would also like to draw attention to the memo that just came out with the Water, Judiciary, and Streets Committees having a joint meeting. Laura passed it around. There are four dates listed there. If you would, just fill out ‘good,’ ‘bad’ or whatever and get it back to Laura so we can make that happen. It is always very difficult to have three committees meet at the same time. At this time, I would like to recognize Paul Fear, who is our new City Treasurer. Paul, if you would, please come forward. Also, would the Honorable Judge Allen Gano come forward for the swearing-in ceremony, please?

Judge Gano swore in City Treasurer Paul Fear.

[Applause]

President Ertel: Paul, welcome.

Paul Fear: Thank you.

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

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

President Ertel: Thank you very much, Mr. Mayor. Let’s move into committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –In the absence of Chairperson Sandy Mongold, Councilman McKay: 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 – In the absence of Chairperson Sandy Mongold, Councilman McKay: We do have two items on the agenda. In Councilwoman Mongold absence, I will present those. The first ordinance is an ordinance making supplemental appropriations. There was supposed to be a correction made in item B. That amount was supposed to be \$48,000.00.

Law Director Kathryn Hapner: It is on here.

Clerk Laura Curliss: It is on the ordinance.

Councilman McKay: But it is not on any council people's copy, I don't believe. That was discussed in Finance Committee and approved. Are there any questions about any of the other items?

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.

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. 4955 passed as read.

Councilman McKay: The second item is our infamous then and now, which has reared its head again. These are items which were approved in the previous fiscal year and were paid in this fiscal year. There is a whole list of them. Are there any questions?

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

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2226 passed as read.

Councilman McKay: That is all I have, Mr. President, with the exception that I have it on good authority that Councilwoman Mongold will be back at the next meeting, so you won't have to put up with me.

President Ertel: Thank you. You've done a wonderful job.

Councilman McKay: Thank you.

President Ertel: Thank you. Water Committee, please.

Water Committee – Chairperson Mike Wallace: We have one item this evening, Mr. President. As we all know, each year we have to bid out the chemicals that we use for the Water Department treatment plant and that type of thing. So, it is that time of year. Are there any questions?

A motion was made by Wallace and seconded by Peterson to give the first reading only on a resolution Authorizing the Advertising for Bids and Purchase of Chemicals for the Water Department and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Councilman Wallace: There is no imminent reason to push this thing through, is there?

Service Director Reinsmith: You can take your time on it.

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

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

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 three items tonight Mr. President. The first item is the third and final reading on an ordinance setting the salary for Larry Reinsmith at a rate lower than the minimum amount required by the City of Wilmington. Any further questions or discussion?

Scott Kirchner: Did we settle the question of what the benefit package will be? Does it go back to the beginning or does he maintain vacation, sick time and things of that nature at the service level?

Mayor Raizk: He keeps the same amount of vacation time. The sick leave...the bank settles out...back to zero. I think that is it.

Councilman Jaehnig: Are there any further questions?

A motion was made by Jaehnig and seconded by Peterson to give the third reading only on the ordinance Setting the Salary for Larry Reinsmith at a Rate Lower than the Minimum Amount Required by the City of Wilmington Employee Pay Plan Adopted in Ord. #4823 for the Director of Public Service.

Motion passed

Director of Law read 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; McKay, yes.

All members voted yea.

Motion passed.

President of Council declared Ord. No. 4956 passed as read.

Councilman Jaehnig: Item B, we will have Mr. McKay take care of, please.

Councilman McKay: Thank you, Rob. This is a resolution expressing support for implementing a bio-preferred purchasing policy for the City of Wilmington. Are there any questions?

A motion was made by McKay and seconded by Peterson to give the first reading only on the resolution Expressing Support for Implementing a Bio-Preferred Purchasing Policy for the City of Wilmington, Ohio.

Jaehnig abstained.

All other members voted yea.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Wallace: Can I ask a question on that?

Councilman McKay: I may not be able to answer it, but you may.

Councilman Wallace: If I remember right, we said that what this does is it just says that we are going to look for this. We don't have to do this.

Councilman McKay: No. There is not a requirement. No requirement.

Councilwoman Peterson: No requirements. It just...

Councilman McKay: It just sets a precedent more than anything. It says that we are trying to do the right thing.

Councilman Wallace: Okay. Thanks.

Councilman Jaehnig: The last item on the Judiciary is a first reading on a resolution authorizing to a contract to extend legal services to indigent persons charged with violation of City ordinances. This is the public defender contract. Are there any questions?

A motion was made by Jaehnig and seconded by Peterson 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.

Motion passed

Director of Law read ordinance by title only.

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

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

President Ertel: Thank you. Safety Committee?

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

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: I do know that DWIC and Main Street are gearing up for another exciting summer of activities. There is, as I recall, a euchre tournament scheduled later this month and there are a lot of other things downtown. I'll try to give you a better read-out on that at the next meeting. That is all I have.

President Ertel: Thanks, Mark. Parks & Recreation Committee?

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

President Ertel: Okay. Service Director?

Service Director- Service Director Larry Reinsmith: We bid the ODOT project last week. We had a preliminary estimate of \$250,000 and we're good for 20% of that. It was bid last week. The Jurgensen Company got it. They are the one who did all the other streets. They came in at \$196,000, so our part is going to be a little less. It is supposed to start within 30 days. The project completion date is May 30.

Councilman Jaehnig: This is the seventy...

Service Director Reinsmith: This is Locust Street from here all the way out. I was talking to Ernie. Spring Street is really a mess. It would really be nice if we could just get Jurgensen to make the turn on Spring and go up there to a certain point where we paved a few years back. Then, Vine Street is rough too, and I want to see if we can get some estimates there. I'm sure we can't keep it under \$25,000, so we'll probably bid that out. We'll try to do it maybe real quick so we can start that project. Maybe we can knock those streets out right away that are really in bad shape too. In recycling, Donnie reports that he gave out his thousandth container, so about 25% of the customers have containers

now. A lot of them are low when they put them out, but maybe it's the winter and everything like that.

Councilman Jaehnig: I have a question. Are they able to purchase a second one? I had someone say that one is not enough for them.

Service Director Reinsmith: I think if they call Donnie, they can get another one.

Councilman Jaehnig: Okay.

Service Director Reinsmith: Like I said, a lot of them aren't very full when they put them out every week.

Councilman Jaehnig: I think it's the ones with the families or they don't squeeze their bottles.

Scott Kirchner: I think that's what is going on. For people who read the information, they started squeezing the plastic and the cans, where with the blue bags we weren't doing that. I know in our household, we would only need to empty that big tub once every other week right now, but we're putting it out every week. It's not full because...

Mayor Raizk: Another thing I think you'll see as the weather moderates, you will see it picking up. Because when you get one of those and it's full, it's difficult to get it to the street for a lot of people, especially some of the older folks. I think, especially dragging it over snow and whatever. Not everybody does it through their driveway. Hopefully with the weather, it will pick up.

Scott Kirchner: Some people have been hesitant because there is no lid on it with the wind. I know in our case, some of it was left on the curb this week. It's no big deal, they can pick it up next week. I think there are some people who are hesitant given the winds this winter, as well as snow and rain.

Councilman Jaehnig: Yes. When those storms came through, I watched every neighbor, including myself, start walking it out and then lose two things before we get two steps out of the garage and turn it around and walk it back in.

Councilwoman Peterson: The system is working, because we ended up with a wayward... a neighbor's container blew into our yard and we didn't know where it belonged. We emailed the landfill and we were able to return the wayward container to it's rightful home.

Paul Hunter: Larry? Grant Street has a lot of potholes. Is that going to be recoverable just to fix the potholes or is it going to require a repaving.

Service Director Reinsmith: They have been pretty busy repairing a lot of potholes. Grant Street, a couple of years ago, I know it was bad. We crack-sealed it then hoping that we could get a few more years out of it. I know Denny has been going through the tonnage of the cold mix to make those patches right now.

President Ertel: Very good. Safety Director?

Safety Director – Mayor Raizk: Nothing to report this evening.

Reports:

A motion was made by Peterson and seconded by McKay to approve the Hotel Lodging Tax Report – 4th Quarter and Auditor-Treasurer Report - January 2011, 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 McKay: I took Councilwoman Peterson's suggestion last week (I had actually already signed up) and went to the Community Action Head Start lunch today and sat on the little chairs and ate with the kids. I just had a great time. I encourage anybody else to do that. They have lots of things out there to participate in, and you can even read to the children. It's a good time and beneficial for them.

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

Scott Kirchner: What is the status of the Wilmington Inn Lodging Tax?

Law Director Kathryn Hapner: We have a judgment against them. Mary Kay went out on January 10 to look at their books to see if we can determine what their actual bed usage was. Until we know what their bed usage is, we can't determine what tax they owe. I'm assuming she didn't have any problems doing that because she didn't email me for any further court action. She should be determining that.

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

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, March 3, 2011, 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 McKay and seconded by Mongold 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 two Boy Scouts in the audience witnessing a council meeting. I am sure if you have any questions, stick around afterwards and we will be glad to answer them for you, because we do go rather quickly. We're here to certainly enhance your understanding of the meeting.

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

President Ertel: That finishes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank You, Mr. President. I am going go down front for this. This is the best part of this job. A month ago, while we were at council, we were having an incident here in the City where life was at peril. A couple of our dedicated safety employees, most notably Sgt. Ron Cravens and also Lt. Ed Myers (who is not here tonight. We will honor him at another meeting) were able to get out and save the lives of some young children and an adult who were caught in a fire here in Wilmington. You know, we overuse the term heroes all the time. We hear it about everybody, whether they are a sports star or a rock star or whatever, but this is a true hero. They are here working every day doing the job without anybody telling them what to do. We are very proud of you, sir. Congratulations. We actually have a plaque that is not quite ready yet, but along with that, we would also like to present you with our Bicentennial coin. We will have the plaque ready for you at the next meeting. We just want to tell you, as a community, how much we thank you and appreciate you. I think everybody...we need a round of applause.

[Applause]

Mayor Raizk: You have a fine-looking young family. That's wonderful. As I say, we are truly blessed to have folks like Ron working for us and taking care of the citizens. Also, Lt. Myers. We will honor him as well. While we are talking about honoring, we will have shortly, a new addition to our signs at the entrances of our city. We have a new state champion, Josh Quallen. The winter sports teams have had an outstanding year. Under the tutelage of Coach Wallace (I still call him coach – I'll always call him coach.), we will be making a presentation of the sign at their winter sports banquet on Tuesday night. We think it will be ready in time, so hopefully we will be able to do that. We will ask them to come to council at some other time, but we think it's a lot more fun if they get to have that sign in front of their peers...with all of their peers and all of their parents there, instead of a bunch of old people like us. This way, they'll be able to enjoy that. We are very excited to make that presentation. We do want to honor our young people for their achievements. Other than that, the only other thing I have to say, as you saw in the paper, we have been working diligently in job creation in Wilmington. We have a good foundation. We're continuing to work on additional companies, but finally, I believe we turned the tide and the news that is starting to come to us is good news

instead of bad news. We will continue to make sure that that good news keeps coming. That is all I have to say. Thank you, Mr. President.

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

Asset, Acquisition and Use –Chairperson Sandy Mongold: We have no legislation tonight, but I would like to say that on March 9 at 5:30 we will have an AAU/Joint Judiciary meeting.

President Ertel: Thank you. Mr. Auditor?

Auditor –Auditor David Hollingsworth: I don't have anything tonight, but I will be, as soon as we get the cash accounts reconciled through the end of February, preparing a report on the general fund and then we can schedule a meeting to discuss that. That is all I have.

President Ertel: Very good. 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 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. 4957 passed as read.

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

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

Motion passed

Director of Law read resolution by title only.

A motion was made by Mongold and seconded by 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. 2227 passed as read.

President Ertel: Is there anything else?

Councilwoman Mongold: No, thank you. We'll let you know when we schedule the next finance meeting.

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

Water Committee – Chairperson Mike Wallace: I have a couple of items this evening. At the last meeting, we voted on a resolution just to get the bid out for the chemicals that we use on an annual basis. If there are no other questions from council or anybody else, I would like to put this up for a second and third reading.

Councilman Jaehnig: I am showing this as amended. What has changed since our last meeting?

Service Director Reinsmith: I think they made it an emergency.

Clerk Laura Curliss: Because he has to do it right away. Right?

Service Director Reinsmith: Mike asked me before the meeting last time, do we really need to do this in three readings, and I said, "No." Then, after I did that, I contacted everybody and they said we were all set to bid.

Councilman Wallace: Does that mean we need to suspend the rules and give the second and third reading?

Councilman Jaehnig: We will need to amend it first, won't we?

President Ertel: That is correct.

A motion was made by Wallace and seconded by McKay to amend the resolution.

Motion passed.

Resolution amended.

A motion was made by Wallace and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution Authorizing the Advertising for Bids and Purchase of Chemicals for the Water Department and Declaring an Emergency, as Amended.

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 Jaehnig 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. 2228 passed as read.

Councilman Wallace: The second item we have is someone has applied to have access to water service right outside the city – right at the edge of the city.

Paul Hunter: Are the lines already there? Is this just for a tap?

Councilman Wallace: This is just for a tap. Are there any questions?

A motion was made by Wallace and seconded by Wells to give the first reading only on a resolution Approving Access and Water Service to a Property Outside of the City and Declaring an Emergency.

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. 2229 passed as read.

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: Mr. President, in Cindy's absence tonight, we have three readings on a resolution adopting preliminary consent legislation for resurfacing portions of State Route 73 in the City of Wilmington and declaring an emergency. Is that correct, Larry...an emergency?

Service Director Reinsmith: Yes. What this project does, and it's not costing us a penny, this project is a result of the new bypass. What it does, once the bypass is done and open, ODOT will vacate SR 73 to the City of Wilmington and it becomes ours. Before they give it to use, they are going to fix it up. They will make all of the repairs. We could at least find some areas where we think we need guardrails going out 73 West and do everything. Then they are going to pave it all and then they will turn it over to the City. It's 73 west from the intersection of Wayne Road by the convenient food mart all the way out past Cape May and then on the other side of town from 22 going out to Airborne Road, like in front of Wal-Mart, that stretch there also. At the same time, they will have to change all of the signs throughout the City that talk about SR 73. That road will now become Wayne Road all the way out to where it ends in the cul-de-sac by Mitchell Road. They will actually cut that road off. To go on to the interstate, you'll have to turn right onto Mitchell Road and then hit the bypass and then go on out. This is the preliminary legislation We have a lot of work to do. I'll be back at some point with final legislation, but ODOT needs this by March 18. We just got it, but she needs it back by March 18.

Councilman Wells: Are there any more questions or discussion?

A motion was made by Wells and seconded by Wallace to give the first reading only on a resolution Adopting Preliminary Consent Legislation for Resurfacing Portions of S.R. 73 in the City of Wilmington from the Northern Corporation Limit (SLM 7.96) to the Intersection with US 22/SR3 (SLM 8.47) and also from the Intersection with US 22/3 (SLM 11.91) to the Southern Corporation Limit (SLM 12.20) and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

A motion was made by Wells 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 Wells 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. 2230 passed as read.

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

Service Director Reinsmith: Mr. Chairman? There is a little side note to that project too. On 73 West from Nelson Road out to the corp line, we are also going to have to annex that piece of highway. There is kind of a little stretch there that is not in the City, so we will clean that up too as we move through this process.

Paul Hunter: And the houses too?

Service Director Reinsmith: There is a little island there. You know that.

Paul Hunter: I do. They are on septic tanks.

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

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

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 multiple items tonight, Mr. President. I am going to let Mr. McKay handle item #1.

Councilman McKay: Item A is a second reading on the resolution that we did the first reading on at the last meeting in support of implementing a bio-preferred purchasing policy for the City of Wilmington.

A motion was made by McKay and seconded by Wallace to give the second reading only on the resolution Expressing Support for Implementing a Bio-Preferred Purchasing Policy for the City of Wilmington, Ohio.

Motion passed.

Director of Law read resolution by title only.

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

Councilman Jaehnig: Item number two is the second and third reading on a resolution authorizing a contract to extend legal services to indigent persons charged with a violation in the city. This is basically the public defenders contract and a normal renewal at this time. Are there any questions in regards to that?

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 a Contract to Extend Legal Services to Indigent Persons Charged with a Violation of City Ordinances.

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. 2231 passed as read.

Councilman Jaehnig: Our third item tonight is cleaning up some of the ward boundaries. We had some annexation over off of Progress Way that needed to be assigned to a ward. It is finally freed up for us to do that. We would like to get it into place before the upcoming election, so we are going to request three readings on that tonight and declare an emergency. 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 ordinance Amending Codified Ordinance Sec. § 103.03 Establishing the Ward Boundary of Ward 2 in the City of Wilmington, Ohio, 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 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. 4958 passed as read.

Paul Hunter: Mr. President. I have a question.

President Ertel: Yes, Paul.

Paul Hunter: You probably needed to get the enterprise zone map up at ODOD be shown to reflect that.

President Ertel: Good point – to make sure the footprints are the same.

Mayor Raizk: We have several places that need to be amended, so we are trying to do them as one rather than bit by bit, because we do have some annexed property and some anticipated annexed for which we will need to do that as well.

Councilman Jaehnig: Are there any other comments? The last item on Judiciary, Cindy Peterson has been serving as the council representative for the CVB and is stepping

down from her position and we need to appoint a new person to sit on the CVB board as a representative of council. The resolution tonight will be three readings to approve Mike Wallace as our new board representative. Are there any questions?

A motion was made by Jaehnig and seconded by Mead to give the first reading only on a resolution Appointing Council Member Mike Wallace as the City's Representative to the Clinton County Convention and Visitor's Bureau.

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

Motion passed.

President of Council declared Res. No. 2233 passed as read.

Councilman Jaehnig: I would just like to say that we really appreciate Cindy's service on the CVB board and look forward to Mike filling her shoes. That is all we have for Judiciary. Thank you, sir.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item tonight, and it is authorizing a licensing agreement with Greenlight Collectibles. We have been approached by a model car – like a Matchbox car almost – company that wants to duplicate our police cruisers with the City logo on them. While I don't know that it will bring the City real fame or anything of that nature, there is an expressed interest from many in our police department to have those available and access. I am sure if I was a policeman, I would love to have a copy of my car also for my kids. Tonight we are asking council to approve three readings and declare emergency so they can proceed forward with that. Are there any questions on that?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Sign a License Agreement Between the City of Wilmington and Greenlight Collectibles to License the Use of the Image of the City of Wilmington Police Vehicles for Reproduction in Die Cast Form of 1:64 Scale 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; 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. 2234 passed as read.

Councilman Jaehnig: Thank you.

President Ertel: Very good. 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: Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Safety Director?

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

Reports:

A motion was made by Wells and seconded by Mead to approve the Income Tax Report – February 2011 and the Revised Hotel Lodging Tax Report – 4th Quarter 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.

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 McKay to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, March 17, 2011, 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 McKay and seconded by Jaehnig to excuse the absent member. Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

President of Council – Fred Ertel: Just glancing through the audience, it looks like everybody was observant in having a little bit of green on, which is a good thing with it being St. Paddy’s Day and so forth.

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, March 3, as received. Motion passed.
Minutes approved as received.

President Ertel: The second thing is a Notice to Legislative Authority of the expiration of all permits to sell alcoholic beverages in the City of Wilmington on June 1, 2011, and the necessity of permit holders to file renewal application. Permit renewal objections taken by the Division of Liquor Control. This is on file here at the office, so if anyone would like to state objections or whatever, please come in and write them down. Otherwise, hopefully, June 2, they will all be relicensed. That’s a good thing. I also have a notification to the public. Some of the legislation tonight we have is the first reading and we need to have it done by the end of the month, so we will have a special council meeting on Thursday, March 24, at 6 p.m. here in Council Chambers with one item to be discussed. Please note that on everybody’s calendar – Thursday, March 24, at 6 p.m. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: I don’t have a report tonight, Mr. President.

President Ertel: Thank you. Let’s move into the first committee report, and that is Asset, Acquisition and Use.

Asset, Acquisition and Use –Chairperson Sandy Mongold: Tonight we have the first reading on an ordinance authorizing a lease-purchase agreement with Total Baking Solutions, Inc. for Building #2 at 474 S. Nelson Avenue, Wilmington, Ohio.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Authorizing a Lease and Purchase Agreement with Total Baking Solutions, LLC for Building #2 at 474 S. Nelson Avenue, Wilmington, Ohio. All members votes yea. Motion passed.
Director of Law read ordinance by title only.

President Ertel: We do have one question.

Paul Hunter: At the committee meeting around it, I didn’t get a clear answer on the property tax thing. Is the company going to pay last year’s taxes for us on that property? How’s that going to work out?

Clerk Laura Curliss: No. They won’t have any liability for last year, Paul. I did answer this for you. They won’t have any liability for last year, and the Auditor still has to break

out the property, because part of it will be exempt and part of it won't be. Tax is usually prorated.

Paul Hunter: You didn't explain that to me, by the way.

Clerk Laura Curliss: Yes. I did say that it was going to be prorated. That's the normal course.

Paul Hunter: Well, say it is prorated, so we are \$23,000 short in the property tax budget line then. We will still have to do a supplemental for this 46,000 out there. If they are not going to contribute this year, then we will have to pay the entire... We've already paid 23, plus pay 23...

Mayor Raizk: Yes. Because we are always a year behind, so they weren't even in there.

Paul Hunter: That's my answer, I guess.

Clerk Laura Curliss: Then, when we bought it from Textron, we took care of the taxes prorated.

Paul Hunter: How's come we haven't filed for the exception?

Clerk Laura Curliss: You have to wait a year.

Paul Hunter: That's untrue.

Clerk Laura Curliss: No.

Paul Hunter: I checked with the Auditor and they say as soon as the deed crosses the Recorder's Office it is eligible to be requested for exemption. It takes a year to get it anyway. We wouldn't haven't gotten it.

Clerk Laura Curliss: Well, you could request it, but it is going to take a year.

Paul Hunter: Pardon me?

Clerk Laura Curliss: It is going to take a year.

Paul Hunter: It is going to take a year from the time of filing.

President Ertel: Thank you.

Mongold requested that the second and third reading be on the Agenda for the special council meeting.

President Ertel: Is there anything else? Thank you. No Auditor's report.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Tonight we have an ordinance making supplemental appropriations. The item is a refund request from the state for Medicare billing. They are being challenged by MBI, but in the meantime, we have to pay it. We are hoping to get it reversed.

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. 4959 passed as read.

Councilwoman Mongold: Thank you. That is all we have this evening.

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: Mr. President, I have nothing on the agenda; however, I did receive my free curbside recycling pamphlet in my utility bill. I hope everybody got one of these. We encourage the citizens to recycle. It is the right thing to do. That is all, Mr. President.

President Ertel: Thank you very much. It is a great program. 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 three items tonight, Mr. President. I am going to let the first item be taken care of by Mr. McKay.

Councilman McKay: Our first item is the third reading on a resolution expressing support for implementing a bio-preferred purchasing policy for the City.

A motion was made by McKay and seconded by Mongold to give the third reading only on the resolution Expressing Support for Implementing a Bio-Preferred Purchasing Policy for the City of Wilmington, Ohio.

Jaehnig abstained. All others voted yea.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by McKay and seconded by Mongold that the resolution be passed as read.

Jaehnig abstained. All other voted yea.

President of Council declared Resolution No. 2234 passed as read.

Councilman Jaehnig: The second item is three readings on a resolution authorizing the filing of a four-year capital and operating plan with the Ohio Department of Transportation. This is our four-year budgeting forecast for the transit services for the taxi services. Any questions in regards to that?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Filing of a Four Year Capital and Operating Plan with the Ohio Department of Transportation Covering the Period January 1, 2012, through December 31, 2015.

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. 2235 passed as read.

Councilman Jaehnig: Our last item is three readings on an ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes. This is an annual thing that we need to do that allows for the update of our ordinances and resolutions.

A motion was made by Jaehnig and seconded by McKay 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

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 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. 2235 passed as read.

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

President Ertel: Thank you. Safety Committee?

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

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – There are lots of things happening in the downtown today. Tomorrow night is euchre at the General Denver, and I know there are a lot of other things to visit and shop here in the downtown.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Thank you. The Service Director is on vacation. Is there anything Mr. Mayor?

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

President Ertel: Very good. Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by McKay to approve the Auditor – Treasurer's Report – February 2011, 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 Prell: I am Mike Prell. This is my wife, Kim Prell. We are at 14 N. South Street, the new Wellness Studio. We opened up two weeks ago and we are pretty much bringing a change to Wilmington as far as things to do for the community. There are things that we offer that some people don't like or are not into, like readings and things, but we offer things at our center for everyone – reflexology, massage, gong meditation. I know Mr. Jaehnig has tried that. It is Chinese. We do have something for everybody. I am not into readings at all, but other people are, so we brought that to our center, because some people are interested in readings.

Mayor Raizk: Mike, I'm sorry... readings?

Mike Prell: We do life coach readings. We have a person that does that. Then we have astrology readings. That is more her field.

Kim Prell: Yes. Everything we offer is just based on very ancient knowledge. It is a holistic healthcare center is what we have. We wanted to come and introduce ourselves and let you know that we are there. We offer a lot of workshops. We have a Tai Chi class. You have some of our lavender items in your bag. Lavender, in case you didn't know, is great for relaxation and calming. Our farm actually is in Martinsville. I make all of the items that we sell with the lavender.

Mayor Raizk: So, you raise the lavender?

Kim Prell: Yes, we do.

Mike Prell: We have an acre of certified organic lavender on Martinsville Road. As you probably have heard, we are the ones building the earthship out of recycled materials. So, we have an 1100 square foot building that is pretty much done. Right now, it is being built under an agriculture exemption. In the future, we would like to move into there, but zoning regulations for a dwelling, no one is familiar with an earthship foundation. We have been working on that with the county, and it's kind of an uphill battle. Alternative buildings are hard to pull off in any county really. It is something we're doing there. We offer educational workshops. Your recycling...if you don't want to have it collected, bring it to us, and we will use your cans in our building. We have built partition walls out of cans and mud. It is plastered to an adobe finished, western style. We are basically building our building out of adobe. It's pretty neat. It is interesting. With Wilmington, one of the things we wanted to open the center for, is I was very bored here. When I moved in, I had no clue that Wilmington was seven miles away from me – straight shot. A fifteen minute drive. So, when I moved in, my neighbor was like, you know, you can go to Lowes up there with me. I thought, "Lowes?" I had been driving 45 minutes to Lowes. We had already moved in, and I had no clue that Wilmington was here. I was out on Martinsville Road and I was driving clear to Fields Ertel for everything.

[Laughter]

Mike Prell: He brought me up here, and I was like "Fast food!" I was pretty excited.

Councilman Jaehnig: That's not part of the Wellness Center.

[Laughter and banter]

Mike Prell: Our whole thing is we wanted to bring something to Wilmington that no one else has. It's not the quality in Wilmington, it is the quality in the Wilmington stores that I see. For my personal vision, when I see Wilmington, it is not all quality. Businesses are coming. We have the coffee shop coming in. We're coming in. There is another store that I know of...kind of a Yellow Springs-type crowd coming down here to open. Hopefully, they will be next door to the coffee shop, if everything works out well. South Street can be happening – definitely.

Mayor Raizk: Welcome. We're glad to have you.

Mike Prell: Yes. Stop by. Your first session is free for gong meditation. If you can get a free session, you should try it. It's pretty neat.

[Banter]

Mike Prell: We have two subatomic gongs. They are imported from China. They are handmade, hand-beaten to make the sound. You sit between two of the gongs in a zero-gravity chair, and then the gong-master, Gong Master Mike, and we have Gong Master Eric Guindon. He sits on the other side. We play lightly on the gongs and the vibrations to your body actually bounce out of the body, so when you get out of there, you're floating. You're like "Wow." You know, for me, I get too spaced out playing because I play for everybody. So, when I'm done, I'm like, "Ah, no more."

Kim Prell: So, those coupons that you have... If you are feeling depressed, if you're stressed out, that's a great time to stop in and try it out and see how it works for you. The reflexology... free 20-minutes... are passed out as well. I do that. If you don't know what it is, you're whole body is mapped out on your hands and feet. Basically, I work with pressure points to bring balance to your body. It is great for many different health benefits, as well as relaxation. I just want you to know what that is, since you have some in your hands.

Mike Prell: One more business adventure of ours is in the front of the Wellness Studio, I will be there every day. We want to create a development and web designer freelance business. I do a lot of web work full time, so I will be in the front of the Wellness Studios to take care of the people coming in and scheduling. I will also be doing the web-development there. So, there are two businesses in one... it's kind of crazy. The Lavender Festival too is June 18-19. It is a big event. A lot of people come out there. We bring thousands of people in. We have the fields completely full of cars, and the gongs will be going off.

President Ertel: This will be out in Martinsville?

Mike Prell: Yes. Hopefully, the earthship will be done enough to walk in and check it out.

Councilman McKay: We're happy that you found Wilmington.

Mike Prell: City life has changed. We're inner-city kids. It was fast-paced and pretty rough. We come out here and our kids are so much different than we were. I love seeing them grow up and not have that stress on them. It is a lot more laid back here for sure.

[Applause and general comments of congratulations and welcoming]

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 Street. I am happy to see that Total Baking Solutions has decided to call Wilmington their home. I had taken a cursory review of the original lease and agreement and just had a couple of quick questions. First of all, hoping that they take root and succeed, we all look forward to a future that is brighter for them. But, my curiosity would be, have we done any planning in the event that unfortunate circumstances would address the business to properly compensate for the use of the facility, say within the next five year years while they are renting for a dollar a year. Have we made them take out any bonding insurance that would make the city whole on the actual value of the property during that time if the company would go under? I know that this is not by any means what anyone wishes. We all are hopeful that they will. But, I will remind council that shortly after arriving, DHL disappeared. I know at the time I raised the concern that they might not be here in twenty. They weren't here in two. That is why my question is presented. Is there anything in here that makes them...

Mayor Raizk: No. There is really no way to do that. It is a lease until they exercise their option. At that point in time, yes, they have to complete it once they start it, but up until

that time, no. The security for the city is the fact that they taking over all of the expense, especially the utility expense is the biggest kicker on that building. It is rather huge. It is a drain. The fact that we don't have any expense as far as the utility goes and taxes. They have to pay their own insurance and take all of that. It is a lease. The way it is, they can't bond it. At some point in time, when they exercise the option to purchase and if they were doing that, it is due and payable if they decide to leave.

Scott Kirchner: Yes. I did read that. It was that interim time, for five years, basically, it is kind of rent-free of an industrial facility. We will also be foregoing any other opportunities with an incoming business to place them in there. So, if during that five years they would fail or leave, there would be opportunity costs as well.

Mayor Raizk: The reality of it is, though, it was fortuitous that these things aligned. Because essentially, if we didn't have this, the building would be out-of-pocket for the next two to three years anyway because of the remediation. We are allowed to do it this way because they are leasing it. But, we didn't have anybody lined up while the remediation was going on. The situation is, we're not really out anything, and we do have somebody taking care of that. We can't sell that building until the remediation is complete anyway. Even, if they weren't here. In other words, if we had nothing here, until we get the covenant not to sue and no further action letter, at the end of that period, monitoring and everything, the building cannot be sold. So essentially, we would have it empty. If somebody wanted to buy the building, we couldn't do it, unless we did it this way. To answer your question...no...but it does give us the opportunity to secure it for the future while this remediation is going on and it also alleviates us of the utility expense, the insurance expense, and some of those things.

Scott Kirchner: And I do agree with the approach the city has taken. I don't mean to question that, it was just simply the review...wondering if there was a protection in case of the unfortunate...

Mayor Raizk: There is really no way to do it. You couldn't bond something that you didn't own, so...

Councilman Jaehnig: They are also putting quite an investment in upgrading and adding to the facility on top of that. If they decide to leave before opting on their purchase agreement, the city then retains all of those improvements. They are going to do roof repairs, they are going to do wall repairs, and then, of course, building offices that don't currently exist out there.

Scott Kirchner: I say again, I agree with the approach that we're taking, it is just that insurance on that other side. We didn't think DHL would be gone either, and that would be the only reason that it occurred to me. Two other questions. One, I noticed that we put specifically the ability to sell the property while they are in there as long as the lease terms were assigned. It appears, I am not a lawyer by any means, perhaps the financing would have to go with whoever purchased it as well. I am curious why we would specifically call out the ability to sell it when we have already found a buyer.

Mayor Raizk: It is another protection for the city that we can do. If they decide to do it, we still have the ability to do it.

Scott Kirchner: It seems to be to another party...not to them.

Mayor Raizk: I understand. It's on default. It doesn't limit us to not sell it.

Scott Kirchner: Correct. The transfer by landlord, specifically item 26, indicates that we could sell it to another party as opposed to them, but the party would be bound by the contract with them. I was just curious of there was a reason we had seen fit to put that in.

Law Director Hapner: If someone comes along and wants to offer us a million dollars for it, you don't want to turn it down. That would be free money for us. Granted, the chances of that happening it are very slim...but...

Scott Kirchner: Then, the final question, it appears the city is going to be doing the financing after the five years...I am just curious...why have we decided to go that route instead of requiring them to get commercial financing. I noticed that we set the interest rate at the lowest available interest rate we have. I understand, we want to encourage them to be here, but does the city really want to be in the mortgage business is my question as opposed to...

Mayor Raizk: It was just a methodology for doing it. We set it at the lowest possible rate, which is the IRS fed rate of interest...wherever that is at the particular time. Right now it is about 2.75% I think or right around 3%. It is just a way to do it. There are a lot of opportunities around here. When we have looked at things across the country, there are a lot of buildings that are actually be given/deeded for nothing, because there is a lot of empty industrial space. In fact, they had a deal like that in Michigan, where they got literally a plant for nothing and it was given to them. We were able to work this deal because our location was a little better and a couple of other things were good. The other thing is, we want to stretch it to use it for job creation. There is incentive built into it by doing it this way so if they grow to 100 jobs, there is a financial incentive for them to do that. If they don't grow to 100 jobs or they don't have that, then there is a disincentive in it as well.

Scott Kirchner: The incentive, as I read it, just so I understand, in the five years prior to execution of the note, if the average employment was 100 over those prior five years...so during the five years of one dollar a year lease...

Mayor Raizk: No, it is at the purchase point...

Councilman Jaehnig: At the final purchase point.

Mayor Raizk: At the final purchase point.

Scott Kirchner: Correct. I'm talking about the qualification.

Mayor Raizk: Is from the five years of the commencement of the buy. There is a five-year note and then the rest of it is due at the end of the second five years.

Councilman Jaehnig: So, it is year six, seven, eight, nine and ten...

Mayor Raizk: Of the purchase.

Scott Kirchner: Not preceding the purchase.

Mayor Raizk: No.

Scott Kirchner: Okay. Thank you. That is all of my questions.

President Ertel: Thank you. Paul, you had your hand up.

Paul Fear: I was going to mention, item 8B and item 10B prohibit them from digging in any of the common areas so they can't destroy any of the stuff. Item 10B requires them to maintain the building. It gives us the right of inspection to repair in case they don't do it. I think that item 10B covers Scott's question about them to keep the building in the condition it is leased at, so I think we're okay there. The other comment about the sale, that's pretty normal and customary in banking. If you've got a lease, you want to write in there that you are able to sell it, so if we decide if it is advantageous to us to pull \$500,000 out of it instead of continuing to take the lease and then let them buy it from that...that's pretty normal and customary. The last comment is, if we are making 2.75, it is whole lot better than the 0.3 we're making in the marketplace now. We're better off to go ahead and finance it at the time it is purchased. I think it is a great deal for the city.

Mayor Raizk: One of the thoughts about the entire thing is to encourage longevity. If everything is pushed up front, it is a make-it or break-it scenario. This way, it encourages longevity. The incentive for job creation to the 100 jobs at the end of the

lease is another incentive to look for. Obviously, there is a \$250,000 difference to them. That is very real. I think it is a very good program for the city. I think it takes a lot of utilities off our back. We had about a \$20,000/month bill there for a little bit of time during the winter. Keeping a building heated, even at a minimal level (that's 113,000 square feet), is a rather large deal.

Councilman McKay: I would also add that it is a lot better to have that building occupied than not occupied from the standpoint...

Mayor Raizk: Absolutely.

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

Lee Hendee: I have been contemplating doing what I am about to talk about for quite a while. I am glad I didn't have to follow these folks from the new store because they have quite a story to tell and think they are to be applauded for their efforts. What I want to do is provide the city council meetings on the internet. We will webcast them live on my site each and every time they are on. I will put my own advertising on previous to the council meeting and after, with a disclaimer that the advertising does not have any correlation to the city council meeting. It has no bearing on any issues before city council, it is strictly there as advertising to support my efforts. That is the plan. Hopefully our first webcast would be on April 7. And we would ask that anybody who wants to can talk to me afterwards. Our website is www.webentertainmentmedia.net. With city council's approval on that, I hope to start that on April 7. No one has to go to hair and makeup, so don't worry about all of that.

Councilman Jaehnig: What if we need it?

Lee Hendee: Do you have anybody in mind, Rob, that you think might need it?

Councilman Jaehnig: I'm not touching that one.

Lee Hendee: Me either...because I'm going to be behind the camera, so I don't have to worry about it. If anybody has any comments or questions about how I'm going to do it and the timing and all of that other stuff, feel free to talk to me after the council meeting. That's all I have. Thank you, gentlemen and ladies.

President Ertel: I have a question for you, Lee. Probably back under the clock is where you'll be?

Lee Hendee: Yes. I'll be behind the audience...that way I can kind of pan all of the council members and these two ladies as well.

Kathryn Hapner: I have a standing rule that you have to Photoshop out the double chin.

Lee Hendee: Laura is going to stand up and smile for us every once in a while.

President Ertel: There you go. Any problems with sound do you think?

Lee Hendee: I have a way to boost sound now and also have an amplifier that I can boost my microphones off. I will probably set up a microphone in the back and...

President Ertel: Can you put one up here?

Lee Hendee: I would probably have to get some more cable, but I probably could.

President Ertel: The other thing is hooking into there possibly.

Lee Hendee: I might be able to. We'll have to look into that.

President Ertel: Because a lot of times, sound is a big issue.

Lee Hendee: It sure is.

President Ertel: I, like Paul, totally applaud your efforts of bringing this up on the web, because this is something people have been asking about for a long time.

Lee Hendee: Well, I'm one person and I'm like a lot of the people here, I feel like people need to take more of a pro-action response to government. This is one way that we can get things out to people that can't come to council meetings or one thing or the other. I think this is one way that we can get issues about before the public so they can see what is going on.

President Ertel: Very good.

Lee Hendee: Thanks everybody.

[Applause]

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

Councilman Wells: Happy St. Patrick's Day.

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 in special session on Thursday, March 24, 2011, at 6:00 p.m., 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 Jaehnig and seconded by McKay to excuse the absent member. Motion passed.
Absent member excused.

President of Council – Fred Ertel: Because this is a special meeting, we will dispense with the Pledge of Allegiance and move right into business. Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold:

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Authorizing a Lease/Purchase Agreement with Total Baking Solutions, Inc. for Building #2 at 474 S. Nelson Avenue, Wilmington, Ohio.

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. 4961 passed as read.

President Ertel: Thank you. Is there anything else?

Councilwoman Mongold: That’s all. Thank you. That was a very important ordinance.

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, April 7, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

A motion was made by Jaehnig and seconded by Mongold 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, March 17, as received.
Motion passed.
Minutes approved as received.

A motion was made by Wells and seconded by Mead to approve the minutes of the special meeting, March 24, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: I would like to make an announcement. There is a public hearing to discuss the various FY2011 CDBG Home and HUD programs. It will be held on April 21 at 7:30 in the City Council Chambers. If any of those are of your interest, please join us for that meeting here at 7:30 on the 21st. Also, at this point, for the council persons, we are very pleased to have in attendance tonight, Mr. Lee Hendee. Lee is of Web Entertainment. He is now putting up all of our meetings on the web. The website is www.webentertainment.net. We are live right now. Because I know there are a lot of budding young TV stars out there, before you we have some policy changes – just a little bit. I will basically read this.

We are excited that on April 7, tonight, City Council meetings will be broadcast on the worldwide web via Web Entertainment. It is expected that members of the public will want to take the opportunity to have their announcements, presentations or comments broadcast via this new media.

COMMENTS DURING THE PUBLIC COMMENT PERIOD. In order to allow time for comments from the maximum number of persons, we will allow up to five (5) minutes per speaker during the Public Comment portion of City Council meetings. Persons wanting to speak should come to the podium and state their name and address.

COMMENTS ABOUT SPECIFIC AGENDA ITEMS – SIGN UP JUST BEFORE COUNCIL – Prior to each City Council Meeting, persons with comments regarding specific Agenda items may sign up with the Clerk to speak. Speakers are asked to keep comments under five (5) minutes. Those persons are the people like perhaps tonight, we will have special people here in front of council and so on during the meeting and so, try to keep it to five. If it involves a dance, go over, that's fine. That is just a guideline we want to use. For example, when Debbie comes to speak about the Visitor's Bureau and so on and so forth. That is what that is for...just sign up with the clerk.

Any person wishing to make spontaneous comments during the business part of the Meeting must be recognized by the President, come to the podium and state their name and address before making their comments.

That serves two purposes. Lee is filming from the back of the room, so if someone wants to make a comment during our meeting, say on a given piece of legislation that is going through or whatnot, if you would, come to the podium because at the podium you can face toward the camera. People at home watching this on the internet can then see your face and hear your comments well because the microphone is up here. Plus, two, that helps up in recording this meeting. All City Council Meetings are recorded and it also gets them close to the microphone so we can hear their name and so on and so forth for the record.

Those are kind of the new items we are going to be using tonight for the meeting. Based on that, I look forward to a great meeting. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. We have a lot of things to do tonight. First of all, if you'll notice, we have a lot of folks here from the Bicentennial Commission. I would like to make some presentations. You know, given the problems that we have had in our community over the last three years, our Bicentennial was amazing to me (and I think I've said this on more than one occasion). No one ever thought not to have it. As we go through life and we are busy... I want to give you a little history about how we started meeting anyway. We went through the records, and I want to recognize a certain person especially. Kelly Hopkins, at the time, was a member of the Wilmington City Police Department, and he was on my schedule to have a meeting one morning. That was on November 27, 2006, when many of us might not have been thinking about the Bicentennial, but Kelly sure was. He said to me at this meeting, "Mayor, what are we going to do about the Bicentennial?" I said, "You know, that's a good question. We haven't really thought about it yet." We knew it was coming and we had to get ready, but we had not really thought about it. Kelly was the one who came... He had brought a whole bunch of research. He had looked at all different types of things on the internet and so forth. You know, you can do Bicentennials by hiring a firm. You have the can standard deal where you have a couple of days when people wear a stick-on beard and you have wooden nickels. We have seen that stuff before. We have had it before. We all decided that we wanted something special – something that was more about our community – about different aspects of life in our community. We wanted something that was essentially homegrown and not canned. Kelly had done a lot of research, so we said, "Hey, we've got to get moving on the Bicentennial." Then (Laura had saved this from September 10, 2007), we had our first pre-meeting. I think many of you were there at that meeting. We got together and started just throwing out ideas about what we should do and how we should engage things – different aspects of the county communities, of our educational institutions – all manner of life in Wilmington and Clinton County. It was a very productive meeting. We got together and got the ball started rolling. Really, first of all, I do want to recognize Kelly. If it hadn't been for him, I don't think it would have appeared on the agenda. I know if we had waited until 2008, it never would have appeared on the agenda because we had a whole lot of other things on our plate. Kelly, this is in appreciation for you. I know there are things called Lamplighter Awards and so forth that are in the county; we are going to call your award The Setting the Woods on Fire Award.

[Laughter]

I want to give you an official City of Wilmington/Clinton County Bicentennial Coin.

Kelly Hopkins: Thank you, Mayor.

Mayor Raizk: Thank you. I appreciate it.

[Applause]

Mayor Raizk: While you are up here, I have a letter of appreciation for everybody here tonight, and I would like to call your names as I go through this list. Then, if you'll all join me and we'll take a group picture. Kelly, here is your letter of appreciation. We are very pleased with the turnout.

The mayor presented letters to the following:

Debbie Stamper, Mary Ann Raizk, Diane Murphy, Randy Riley, Chris Burns-Dibiasio, Laura Curliss, Rebecca Cooper, Susan Ertel, Richard Braley, Jane Richardson, Charlotte Fahrer, Jenny Hollon, Sharon Roberts, Joyce Shaeffer, Christine Krisa, Kym Parks, Dean Carnahan, Dan Liggett, and David Hockaday,

Mayor Raizk: Laura said she was going to get one more time out of this dress. Also, we have the Coopers here who agreed to dress as well. They are some of Wilmington's newest residents. They have moved from Martinsville to Wilmington.

Mayor Raizk: While we are getting arranged, I just want to say thank you very, very much. I want to say that we had an absolutely outstanding bicentennial. I think it was unique. I think it said a lot about Wilmington and Clinton County and the type of community we are. The celebrations reflected those things. There is a list of activities on that letter and the types of things we had. We had quilts and barn quilts. All of the educational activities were just outstanding. It is interesting because Mary Ann and I have talked to people in other parts of the state, friends who were just excited about the types of activities we had. They said, "We should do something like that." I know certain areas were having bicentennials as well, and they were kind of struggling on what to do. Everybody here needs to be applauded for their activities.

[A photograph was taken of the group]

Mayor Raizk: Outstanding. Thank you very much.

[Applause]

Mayor Raizk: I am going to keep the floor for a minute. I would like to have Lt. Ed Myers come up. Now we are going to change our recognition to something a little different. As you may remember, back on February 3, we had a terrible fire in the City of Wilmington – a potentially dangerous situation. Those of you who were here earlier, we had an opportunity to recognize Sgt. Ron Cravens for his lifesaving ability, but he was not alone in that effort. Lt. Ed Myers risked life and limb to get people to safety. There were several children and a resident. They took what could have been potentially a horrible disaster, and they made it safe. I want to take this opportunity to publically recognize Lt. Myers. This is the kind of stuff that he and the rest of the first responders (and many of you are here) do every day. They do it every day. It is nice when we have a chance to recognize them. So, Ed, in recognition of your distinguished service to the City of Wilmington and the Citizens for your actions on February 3, I want to present you with this plaque. I also have a bicentennial coin for you.

Ed Myer: Thank you, Mayor.

[Applause]

Ed Myers: I am very humbled by this. All of this would not have been possible without my crew – Matt Brown, Martin Cline, Ken Ianson and Chief Mason.

Mayor Raizk: Stand up.

[Applause]

Ed Myers: ...the guys trying to establish water and keep the fire at bay. The assistance to help remove the victims of the fire and provide care...it all wouldn't be possible without the Police Department and the Fire Department that night. I just want to make sure that those guys were recognized.

Mayor Raizk: Thank you for sharing that with us and with everybody else.

Ed Myers: I appreciate it.

[Applause]

Mayor Raizk: I'm not done yet. We received back in March a letter to the City of Wilmington, Bicentennial Celebration. "The Family of Carl P. Mendenhall wishes to submit this honorarium, with deepest respect and affection, an accolade to Dr. William Hillard, in recognition of selfless devotion in his practice of medicine. The family of Carl Mendenhall is from Cleves, Ohio, in Cincinnati. They have sent a check for \$200 to the City of Wilmington. On your agenda tonight, you will notice that there is a resolution to accept that gift. They made this in the name of Dr. William Hillard, who was a graduate of Wilmington College. He got his Bachelor's degree in here in Wilmington and then went on to have a long, productive life in Cincinnati as a physician. They have sent some information. There is a picture and so forth in the link. He was class of '42 in Wilmington College. Then he went to University of Cincinnati College of Medicine. We are most grateful for this gift and we will accept that gift later on, but I did want to make that announcement of why it is there. It is honor of the bicentennial, so I just wanted everybody to know that.

Mayor Raizk: Now, I have another announcement. We were very pleased this week to receive notice (and it is dated March 31) from the Ohio Department of Transportation. We have been awarded Safe Routes to School Funding in the amount of \$241,780 for the finishing of the sidewalk on Truesdell, the bridge and the footbridge over the road. We were very excited about this. This just came out. I don't think the state has even made the release yet. But, I did call Mr. Vorst in District 8, whose office this comes out of, and asked him if we could make that announcement tonight. We are very, very excited about that. I want to thank everybody who worked so hard on this. Chairman Jaehnig, you worked very hard, and everybody else – Cindy Peterson and everybody who worked on this for the Safe Routes to Schools. We are very, very excited about this. Frankly, when we put that together, I know it was said many times, "We just don't know." It was kind of throw it up against the wall and see what sticks. Well, it stuck. We are very excited about this. We will give you more information as we get the scope of work and that kind of stuff. It will be a while yet. They will be coming down and putting that together and working with Larry. I just wanted to make that announcement. I think that is all I have under this portion.

President Ertel: Thank you, Mr. Mayor. I appreciate that. Also, I would also like to welcome such a large group. I was amazed to see so many people, then I realized there were awards and now most are gone – so now we are down to the regular group. So, let's look at some 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 Report?

Finance Committee – Chairperson Sandy Mongold: We have several items tonight. The first item is an ordinance making supplemental appropriations. Are there any questions from the council members?

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 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.

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.
Motion passed.
President of Council declared Ord. No. 4962 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making Miscellaneous Transfers, and that refers to the one item in the supplemental appropriations.

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

Motion passed

Director of Law read ordinance by title only.

A motion was made by Mongold and seconded by 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.

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.

Motion passed.

President of Council declared Ord. No. 4963 passed as read.

Councilwoman Mongold: The next item tonight is a resolution authorizing payment of expenses incurred in a prior fiscal year. This is the “Then and Now” notification.

Councilman Jaehnig: Sandy, is this expected to be the majority of it?

Councilwoman Mongold: I can’t answer that right now. You would have to talk to Mary Kay.

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

Motion passed

Director of Law read resolution by title only.

A motion was made by Mongold and seconded by 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.

Director of Law 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. 2236 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 – 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, in Mark’s absence?

Wastewater/Sewer Committee: In the absence of Chairperson Mark McKay, Councilman Wells: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have just one item tonight Mr. President. This is the resolution accepting the gift that was mentioned by the Mayor earlier of \$200 from the family of Carl P. Mendenhall in honor of the Bicentennial and Dr. William E. Hillard. The question will come up “What are you going to do,” I believe the intention is, from what I am being told, did Christine leave already? We are finally going to get Christine some money to put some flowers out and take care some of the downtown stuff that needs to be done. So, I think that is a very great idea to really make a difference.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on a resolution Accepting a Gift of \$200 from the Family of Carl P. Mendenhall in Honor of the Bicentennial and Dr. William E. Hillard.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; 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. 2237 passed as read.

Councilman Jaehnig: That is all, 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 absence of Convener Mark McKay, Councilwoman Mongold: No report.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Thank you. Mr. Service Director?

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

President Ertel: Very good. Safety Director?

Safety Director – Mayor Raizk: I have a report, Mr. President. I know many words have already been spoken, but I think we need to at least make mention here in council of the terrible tragedy we had with the taking of the life of James Xidas. It is a terrible thing. Those folks have been members of our community for many, many years. Most of us know them, and to have that kind of thing happen in Wilmington...well, it's just not Wilmington, that's for sure. That being said, our heart and all our condolences go out to the Xidas family and their friends. We keep them in our prayers. I also would like to publically again congratulate the Wilmington Police Department. Really, everybody. Duane texted me, I can't remember the hour, and they were in full go. This was priority number one. They put the case together in 17 hours from the time of the first call in.

Chief Detective Josh Riley and Detective Brian Kratzer and all of the members of the Wilmington Police Department who did extraordinary duty, in my opinion, to put this all together. Duane, for your leadership as well, we could not have asked for any better resolution to a horrible tragedy. I want again to express my heartfelt thanks. We as a community need to thank them – for their professionalism and for how they solved it. You know, this is the same as with our Fire Department. Every time I would get a request for training we think, “Do we really need this?” But, I go ahead and sign it. You know what, we really do need it, because they did exactly what they were supposed to do. Their training and their skill level were amazing. I am tremendously proud of not only our Police Department, but of all of our safety forces. I am proud of you, gentlemen here tonight, because all of those hours of training and all of that stuff that we think doesn’t matter really does matter when push comes to shove. It really did. Again, I want to congratulate the Wilmington PD on what they did.

Mayor Raizk: Now, on another note, in the next couple of weeks, Duane has put together a safety survey about our police services and safety in Wilmington that will be going out. He is doing a sampling. I wanted to let council know so if you get a call that says, “Hey, what’s this?” that is what it is. He is putting the survey out as a method to look at strategic planning for the department so they have a basis for going forward. He has done that work himself, and again, good job. That will be going out and I wanted to let everybody know so in case one of your constituents say “Hey, what is this I got in the mail from your Police Department?” You’re sending out about 500 to get a random sample?

Assistant Chief Weyand: About 500.

Mayor Raizk: Then he will be working through that in terms of a working toward a strategic plan for the department. I just wanted everyone to know that. That is all I have as Safety Director.

President Ertel: Okay. Thank you so much.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Income Tax Report – March 2011, as received.

Motion passed.

Reports accepted as received.

President Ertel: Before we turn it over to public comment, I think that one thing that wasn’t mentioned was A Taste of Downtown. That is going to happen on Friday, April 15. It is an Italian progressive dinner. It looks like there are going to be some great things. There are \$30 dinner passes available for purchase at the General Denver. It starts at 5:30 at Jen’s Uptown Deli, proceeds to The Mediterranean, Cassano’s, General Denver, and to the Loft. So, it looks like it is going to be a great evening. That is going to be Friday, April 15.

Mayor Raizk: Are there tickets still available?

Unknown Speaker: A few.

Mayor Raizk: If you’re thinking about going, it sells out quick, so you better get with it if you really want to go. There is one thing that I did forget, Mr. President. Clinton County Medication Disposal Day, April 30, from 10 a.m. to 2 p.m. I should have put that under Safety.

President Ertel: Thank you. 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.

Rob Jaehnig: Normally, Paul would do a good job of tooting his own horn, and he is obviously going to remain quiet tonight. This morning at Network Alliance, he had some gentlemen there regarding the wind testing. The possibility of a wind project in Clinton County continues to take steps forward. I have to congratulate Paul and his hard work

because he is definitely the driving force behind that. It was nice to see them there and it is great to hear of a test windmill going up to move that project along. I congratulate you, Paul.

[Applause]

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, April 21, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President of Council – Fred Ertel: Glad to see the good turnout tonight.

A motion was made by Wells and seconded by Peterson to approve the minutes of the last regular meeting, April 7, as received.

Motion passed.

Minutes approved as received.

President Ertel: We have a couple on the docket for tonight, the first one being the Clinton County Regional Planning Commission. Chris Schock would like to give us a little update on that and our annual report.

Chris Schock: Thanks for everyone coming out for this big event. I know that is why our crowd is larger than usual...so it is much appreciated.

[Laughter]

Chris Schock: I wanted to submit, just for your information, our annual report, which I hope was in your packets. There are additional copies. The Planning Commission is supported by the City, the villages and the county. As you can see, on the front page we have highlighted our goal, which is the physical, social and economic development of the county. We try to look at the development process through those lenses. We focus on economic development, as many of you know. We focus on land regulation and planning as well. We have various different programs we feel affect and improve the community, including Buy Local and many other programs. I hope this report gives you a good summary of those. This is our 40th year, which is a milestone, obviously. It is not ironic that it was in the late 1970s that the Planning Commission was created – just after changes at the Air Park for the first time. We do not consider it too coincidental that in that moment in time the county, city and village leaders came together and said, “It is an important time for us to share financial and political responsibilities and create a regional commission that can hopefully look at things with a broader perspective.” We have tried to do that for 40 years. Obviously it is an seminal year as we are also kicking off the master plan for the Air Park. That will be running this year. It is kind of freaky, I guess, but an interesting turn events that we are back to from whence we came. I would like to acknowledge Mark, our Vice-Chair of the planning Commission, and Rob, who is a member as well and is much appreciated. Fred has also been a member and represented the Port, which is appreciated. I want to take a moment. We don’t have much overhead or staff per se, but we have a great team of consultants who work on various projects. Two of them are here: Mark Rembert and Taylor Stuckert, who many of you know, work directly for us. We are the largest supporter of the Energize Clinton County initiative and your support makes that possible and makes those efforts possible as well. You will see in the back of the report that we also provided a summary regarding Buy Local from last year, of which we are especially proud and which continues to be an important initiative for many of the local businesses. It has garnered a lot of attention from diverse media sources in the past year. Projects we affected directly include Safe Routes to School (which we worked very closely with you on), the EECBG project (on which we have worked very closely with Laura, who has been a wonderful partner on that process). Those are tangible projects that will be coming to the city this year with some of our assistance. I would like to leave it open for some questions if you would like to ask anything.

[Silence]

Chris Schock: Don't let me off that easily. That was a multi-page document I had to draft.

[Laughter and banter]

Chris Schock: I think our greatest pride is you will see the breadth of things that we touch with in the community. That has been our goal – to view the development process through many different facets. We have tried to do that over the years, especially this past year with the challenges that the city, the county and the villages face. We have really tried to look at that through many angles. We have done community planning in villages. We have helped with grants. We have sought out new programs. We have dreamt up new ideas and implemented them, and we've done all of that in the context of a very small budget, of which the city is a big contributor and I'm very grateful for that. I don't mean to bash any other city or county department, but bang for buck I am quite confident that we have a significant impact, if not the most impact, on the perception and the spirit of the city and the county going forward, and we hope to continue that. I appreciate all of the recognition and help that you have given us. If you have any questions or if you are ever concerned about issues, I hope that you will always contact me and let me know so that we can more proactive in addressing them.

Councilman Wallace: Chris, let me just say, I appreciate the breadth that you have taken with the Regional Planning Commission. I sat on this commission about 15 years ago, and there was a little bit more narrow focus at that time. I appreciate how you have really scoped it out and have included the City of Wilmington in more projects as well. We really do appreciate it.

Chris Shock: Thank you, Mike, for your kind words.

Councilman McKay: I would like to say, also, I was on the team that helped hire Chris, so I am proud of that. I really appreciate, as Mike does, where his leadership has taken the commission and the ability that he has to bring diverging groups together to the same table and to reach a solution.

Chris Schock: It is certainly not me, but I think the vision of having a commission with that functionality is very important and I hope will remain an important function in the city and the county for the years to come.

Mayor Raizk: Sometimes Chris is a little modest, but I can't tell you over the last couple of years what an important role he has played. When prospects have come to town, sometimes he has been the point of contact. Not only that, but when I or somebody from the administration or somebody from the county couldn't meet with somebody, Chris took on that role. It has been an outstanding partnership in terms meeting prospects and talking to them and showing them and giving them tours. He is the best tour guide we have. Chris, thank you. Without you, we couldn't have done some of the things we have done and covered some of the people that we have. My hat is off to you.

Chris Schock: Thanks. It is much appreciated. I also left at your places a flyer for the Wilmington Community Arts Collaborative: one of the projects that came from our fellows program last year that we are continuing to support. Sam Newman serves as the director currently. You will see information in there. There will be another gallery opening on May 28 at the South Street Gallery, which have been somewhat popular and have garnered attention. Also, we are in the process of hiring fellows for the summer again, so you will be meeting them soon. We are excited about that process. Lori Williams will be running that program for us again this year. We are very excited about that. You will see some announcements soon and we will be sure to bring them and introduce them to you as they work this summer for our benefit.

Councilman McKay: You all might not know that Chris and his lovely wife have also moved into the downtown and have a lovely loft apartment not far from where we sit.

Chris Schock: That is correct, and you are all welcome.

Paul Hunter: I would like to thank Chris for bringing Glenn Beck to our City.

[Laughter]

Chris Schock: You are welcome, Paul. I know that you most of all were excited...

[Laughter]

President Ertel: Chris, thanks for your hard work and your vision.

[Applause]

President Ertel: Now I would like to recognize Mark Rembert, Green Enterprise Zone Development Council Utility Bill Project.

Mark Rembert: Well, it's a tough job following your boss, I guess.

[Laughter]

Mark Rembert: I want to talk about a new program today. I want to go a little in-depth with the presentation because I want you all by the end to all be advocates for this program. It is something that we are very excited about, and I want to make sure we give you all the details. I want to first start out with a couple of questions. Does everybody know what their car's miles per gallon is? Raise your hand if you are confident that you know your car's miles per gallon. The next question is...can everybody identify which of these cars has the higher mile per gallon. Question number 3: What is your house's energy usage per square foot? Raise your hand if you are confident you know that. Nobody? Okay, how about this. Can you identify which of these houses has a lower energy usage per square foot? It's very difficult, right? Obviously, many people know their miles per gallons in their car and know their car is either a Hummer or a Prius. They make decisions in buying their car based on energy usage because knowing your energy usage is very important when it comes to driving. Knowing energy usage is very important in managing your waste. Obviously, right now, that is very important to many people. As gas prices rise, people actually change their behaviors because they know that their car gets x-number of miles per gallon and gas costs nearly \$4 a gallon, so they need to eliminate some of their driving to save money on their gas. It is a way for people to make good economic decisions and reduce their waste. Unfortunately, we don't really have the same approach with our homes. Most people don't have access to the equivalent information when it comes to heating and cooling their homes. As a result, it makes it very difficult for homeowners to manage the waste of their homes. While perhaps not as significant as gas prices right now, for many people, heating and cooling their homes is a major expense and it is an expense that will continue to rise in the future. It is very important information to have.

Mark Rembert: All of you have been here for most of our time in Wilmington, so you know that two years ago we were up here talking to you about energy efficiency and the forms of energy efficiency. We have been working very hard at that for a long time, and finding the right model to make really make it work has been a challenge. We're here today to talk about what we think is really one of the cutting edge models for doing energy efficiency on a community scale, which is really what our goal is. It is great when people individually make improvements, but from our perspective, we want to see economic development and we want to see energy reductions on a community scale, because there is a huge impact to be had for the household and for the community. So, we're issuing an energy savings challenge. We are doing this in partnership with the University of Dayton.

Mark Rembert: First, why is it a challenge? It is a challenge because when we think of the money that is wasted on energy, we think of every dollar that is leaving our community that could be spent at a local business that could be donated to a local church or to a local nonprofit. Running the Buy Local campaign, we are very sensitive to these

issues. There is a lot of money and a lot of wealth that our community wasted through energy that could be kept in our community and reinvested. We want to reframe the question of energy efficiency and get people to think about it based not just on how it impacts their home and their family, but on how it impacts the whole community. Our goal is to reverse this flow of money out of community through wasted energy by helping 1000 households in Clinton County manage their energy waste by providing them with education and very detailed information about their home's energy usage. We want 1000 households to know exactly what that number is for the energy usage per square foot of their home and to be as well-equipped to manage that number as they are the miles per gallon of their car.

Mark Rembert: A little bit about why this is a substantial opportunity for our community. As I said, we are doing this in partnership with the University of Dayton. For years The University of Dayton has been a leader in Ohio, Kentucky and Indiana in helping large industrial users reduce their energy consumption. They have a Building Energy Assessment Center that for three decades has been going into industrial settings in some of the most complicated and extreme environments helping them save collectively billions of dollars per year on energy usage. So, the last two years, they have been taking that expertise and retooling it for smaller scale commercial customers and also households. So, they are currently doing an initiative in Yellow Springs, which is kind of a baseline that we are using to shape our effort in Clinton County. This is an example of one of the charts that they look at. This is the annual heating cost intensity per square foot for just over 1000 homes that they have analyzed in Yellow Springs. What this chart is showing is the distribution of homes based on this annual heat cost per square foot. This yellow line is typical. What they've found is that a huge number...all of the homes above that line represent an above-average home in usage. So, the approach that UD has taken is not necessarily to address all homeowners and get them all to be more energy efficient. Their approach has been to target the homes that fall above this typical line and get them down to average. Which, from this sort of commonplace understanding of energy efficiency isn't really that efficient. It is pretty much where we would expect people to be normally, but, as you can see, there are a huge number of people that lie above that line. From this study of about 1000 homes in Yellow Springs, they found some pretty interesting numbers. A thousand homes analyzed resulted in a million dollars in annual savings for that community, just to move the homes that are above typical to typical. What is important about that group is that most of those improvements are either behavioral or very low cost, and for most of those homes, the payback in the improvement is in less than two years. So we are talking about relatively low-cost improvements that have very quick return on investment. The way that they have done it is they have compiled this pretty elaborate database of information. Their real expertise is in the statistical analysis of energy data. They have compiled a major database of information. They have worked with the Clinton County Auditor to get all of the information from the building office about square footage of buildings, the number of floors, the types of construction, all of that data that the county Auditor keeps. They have collected actual historic weather data and they've collected research on typical weather data for different points of the year. Then, they combine that with actual electrical utility data for the homes that they have information for to combine them into this major database that they can then use to create customizable energy models for each home. They can basically create a virtual representation of your home with this data, make some changes to it based on Department of Energy recommendations for a typical household, and then from that calculate what improvements need to be made, how much they are going to cost and what the payback is going to be. They do all of that from their lab at UD. What they produce, and what we want to provide to a thousand households in Clinton County, is an energy report card for the house. The energy report card...this is one for a home in Yellow Springs. The amazing information is this rating. What it does is rate the home on a scale from zero to hundred, based on percentile. So this home with a 20% rating is in the 20th percentile for the most efficient home in Yellow Springs. They have actually switched the scoring system so they are rewarding people for being bad, because obviously that is where you have the greatest opportunity to save. So a hundred is least efficient (greatest opportunity to save); zero is most efficient (fewer opportunities to save). They did break it out to help the homeowner understand where they stand on different criteria. This is the typical cooling cost for a home in Yellow Springs; this is this home's annual cooling cost. This

is the typical heating cost; this is this home's annual heating cost. Typical baseline electric costs; their annual baseline electric costs. They can see, based on different components of their home, where they are good and where they are bad, compared with other homes in their community. Finally, they provide a summary of these results and some basic recommendations for improvements that can be made. The key to all of this and the way that we want to structure this, is this is kind of the first stage...what we call the learning stage for homeowners...where homeowners are able to see where they stack up on that scale. For those who are in the higher end...close to 100...that will provide an opportunity for us to help them take the next step toward becoming more energy efficient. For a lot of those homes, it will be an actual in-house intensive energy audit, which comes with a cost, but knowing there is a great opportunity for payback will provide a good incentive to take that cost upfront, because it will be more than paid back from the future savings. So, to participate, we have a very simple form and I will pass it out to everybody. All we need for a homeowner to participate is 12 months of data for their home for both gas and electricity. All of that information is found on a DP&L or Vectren bill. Then we need some basic information about the house that we can check with the databases that we have ... so square footage, number of occupants, floors, things like that. We will begin distributing this form within the next couple of weeks. It will also be available online. The key thing though, is this program has a huge amount of potential to really have a positive impact on the community, both in helping homeowners in Clinton County be more sustainable and keep more of their income, but also to help the local economy as a whole and to generate work for contractors. So, really, at this point, because of the support we are getting from UD, we are only limited by our ability to reach homeowners and get them signed up for the program. We would really appreciate any support the city can give. I know next month we are going to be including this sign-up form in the water bills that the city will be sending out, so every homeowner in the city will receive one. What we really would like as well is for all of you to help us advocate for this program to your friends and families and the constituents that you meet. I think this is still new stuff to a lot of people. As the survey showed early on, most people in the room are not very familiar with this information or how you can go about getting it. I think it is really going to take building on relationships that we have with people in the community to get them comfortable and to get them excited and interested in this program. If you would like, we are happy to provide as many copies of this to you as you would like to distribute to your friends and family to make sure we get every home that we can involved in this program. A thousand is our goal, but we can go well beyond that.

Councilman Jaehnig: I got the online version already and sat down and filled it out, being part of the Green Enterprise Zone Board, I thought it was responsible to make sure that I participated. Once I had my bills in hand...literally, I timed myself because I wanted to know "How long is this going to take people to do?"...I was able to do it in a little over three minutes. It was really that simple to do. I can't wait to see. I think I have a semi-efficient house, but I am really excited to see what kind of feedback I get.

Councilwoman Peterson: Is this limited to City residents only or the county?

Mark Rembert: No, we're going to extend it to the whole county.

Mayor Raizk: Where can people get the form if they are not getting them online? Do want to leave some in the Mayor's office?

Mark Rembert: We will put some in the mayor's office; that would be great.

Mayor Raizk: Put it on the website that they are available.

Mark Rembert: What we will also do is provide a link to the on-line form if you want to put it on the website. Honestly, the online form is better for us because then we can just provide the data to UD in digital form, which we will be doing anyway. We are happy to enter the data ourselves if you want to fill out a paper copy, but the online version is better for us.

Mayor Raizk: One other question...does it matter if the information you get from a 1000 homes are homes that were built since 1980 or older homes too...is there a matrix or a tipping point...do you want an assortment of everything.

Mark Rembert: We want an assortment of everything. There are a lot of great things that will come from this. One is it will provide us with a lot really valuable information to study the energy usage of the community as a whole. It is interesting, Dr. Kevin Hallinan, who we have worked with at UD, through his work and doing these kinds of efforts, has compiled one of the most extensive databases of home energy data in the country. The Department of Energy is tripping over itself to work with him because he has this rich data set. It is amazing that this data just does not exist in the country, which is one of the reasons why energy efficiency has been so slow to move forward, because to make it work, it has to be data driven and the data just has not been available. By getting this, we will actually be able to then see on a neighborhood level where neighborhoods in the city are particularly efficient or particularly inefficient, but age isn't necessarily a totally determining factor. A lot of it has to do with how the home was engineered and constructed. If it wasn't engineered and constructed for efficiency, it doesn't matter if it was built five years ago or fifty years ago...it's not going to be efficient. Also, you can build a building to be totally efficient, but if the people living in it do not live in it efficiently, then it is not going to be efficient. So, part of their analysis, especially for the in-home audits, is to really look at behavioral changes and make recommendations for free things that people can do to save money just by changing their behavior a little bit, but helping them see the monetary impact of that. Because I think if people don't see it, it is hard for them to feel inspired to make that change. What we are really trying to do is give them the information that will help them make good economic decisions about their energy usage. Again, I'll thank our partners on this. University of Dayton has been invaluable. It is amazing what they are giving to us in terms of their expertise. Of course, the City of Wilmington, the Green Enterprise Development Council, the action of the City to adopt that legislation almost two years ago has been instrumental in helping us keep this movement going. Like I said, two years ago we thought this was a good idea but we weren't quite sure how to pull the pieces together. It has taken us that long to really make the connections work. The fact that the City supported this from early on to help us keep this going has really been important to making sure we reached this point. Of course, the Regional Planning Commission has kept the Energize Clinton County initiative alive and along with our new partner, the Clinton County Chamber of Commerce, are both instrumental in making sure that we are able to continue our work. We appreciate all of our partners and all of the support we have received.

President Ertel: Thank you so much. Are there any other questions? Thank you for your presentation.

[Applause]

President Ertel: Now I would like to call Whitaker Wright to talk about the CDBG/Home/HUD program.

Whitaker Wright: Good evening. Thank you Mr. Ertel. Tonight is the annual first Public Hearing for the Community Development Block Grant program in the State of Ohio. This year, as many of you know, the federal budget has been cut. The Community Development Block Grant received a cut of approximately 16% for 2011 and the federal Home Program received a cut of approximately 12%. At this point in time, the State of Ohio has pushed back the City's formula program application until July 29 instead of June. The state does not know what its allocations will be and the communities will be notified at the end of June what their approximate allocations will be. Last year, the city received \$59,000. If it is cut a straight 16%, it would be \$49,500. I wanted to cover that first. The Department of Development offers a variety of human development programs. It has four housing programs: the Community Housing Improvement Program...that is the grant the city applied for and received last year...and then it has three programs through the Community Action Agency: the Housing Assistance Program, the Housing Development Assistance Program, and the Operating Program. There are two shelter and support programs. Clinton County participates. It receives the Homeless Assistance

Grant. That application is on an annual basis in July. DOD also funds the Housing for People with AIDS. That is only to designated nonprofits. Clinton County and Wilmington are not one of them. In addition to the Formula Program I mentioned a moment ago, the State also has a Water and Sewer Program that is awarded annually on an open cycle of \$600,000. It has several Community Development programs. One uncertainty is whether or not these will remain in the state's repertoire this year. The microenterprise loan program is probably going to be closed for the time being due the budget. The comprehensive downtown program is a question mark at this time. Fortunately, Wilmington received one last year...so they're good. There is also an economic development program and there is some uncertainty as to what will become of those funds. The state also has a discretionary program. Again, some of that may be trimmed back this year owing to the budget cuts. Annually, the city solicits project proposals from residents for the Community Development Block Grant program. Their form is available in the mayor's office. Traditionally, the city has requested the forms by the end of May of each year. Projects can be used for infrastructure, community redevelopment, community facilities, sidewalks, water and sewer. They can assist limited clientele, senior citizens, the homeless, the handicapped, be used for battered children and persons. They may also be used to address slum and blight. The city has used funds in the past to improve the downtown, assist the Clinton County Homeless Shelter and to assist the Rainbow Village Child Care Center. Traditionally, there are several ways to meet the national objective. Households must be considered low and moderate income. The 2011 Section 8 limits are actually the same as 2011. HUD did not change them. They are on the back page of the handout. I open the floor for questions.

President Ertel: Any questions?

Whitaker Wright: I read as fast as I could.

President Ertel: Yes. That was quick. Thank you so much.

[Applause]

President Ertel: Very good. Just a little housekeeping item that was announced in the last council meeting. Certainly we are very glad to have Lee Hendee here with us from Web Entertainment. His first meeting was last meeting. This meeting he continues on. He has a little different setup and a little different positioning. We suspect the results will be even better than last time. We welcome him. Along with that...since we are being televised, we want to have any public comment at the end of the meeting to basically be limited to five minutes so we can get the maximum number of people up who want to speak. If you want to speak about a specific item from the agenda, again, please contact Laura and we will get you on the Agenda, as the groups have just done. Finally, if anybody wishes to make spontaneous comments while we are in session, if you would, we have trouble hearing that on a regular taping system. If you would, come to the podium and state your name and address so that we can have that recorded. Plus, the camera is right over there, so we will have a very good opportunity to see it on the web. I think this provides so much better coverage from the side view. We welcome Lee. I think it is a great thing. Let's move forward. That completes my portion. Mr. Mayor?

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

President Ertel: Let's move into committee reports. Asset, Acquisition and Use?

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

President Ertel: Mr. Auditor? Glad to have you back.

Auditor –Auditor David Hollingsworth: Thank you. Glad to be back. Nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have three items this evening. The first item is an ordinance establishing a new fund...the Energy Efficiency Conservation Block Grant.

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

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

Councilwoman Peterson: I have a question on that. Is that an emergency? Can we defer it?

Councilwoman Mongold: I believe it needs to be passed.

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.

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4964 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations that we have from the EECBG Fund to project expenses the sum of \$356,000.

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

Motion passed

Jason Besser read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4965 passed as read.

Councilwoman Mongold: Now we have a resolution authorizing payment of expenses incurred in a prior fiscal year – the then and now notification.

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

Motion passed

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2238 passed as read.

Councilwoman Mongold: We do have a Finance Meeting on Monday, April 25, at 11:30 a.m. That is all. Thank you.

President Ertel: Thank you very much. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have one piece of legislation. It is to add five parking spaces on Lincoln Street in the area in front of Sugartree Ministries. It is between Sugartree Street and Main Street. Are there any questions on this?

A motion was made by Peterson and seconded by Wallace to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File.

Motion passed

Jason Besser read ordinance by title only.

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

Councilwoman Peterson: That is all. Thank you.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the Agenda tonight. However, I would like to say that this morning I was watching Good Morning America and there was a segment on there about plastic bottles. This gentleman was talking about how many bottles are in the Pacific Ocean and all of the oceans in the world. It is a huge amount of plastic bottles. Plastic is forever. It does not go away. I just want to encourage the citizens...if they use plastic bottles for water, would you please recycle these bottles and do not put them in the landfill. They do not go away. When they get tossed in places and when they get into areas where they can be washed away, it is just a horrible thing for the environment. I just want to encourage the citizens to please recycle. That is all I have, Mr. President.

President Ertel: Thank you very much. Wastewater/Sewer?

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

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: No report.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report, also.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I have no report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

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

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

Service Director- Service Director Larry Reinsmith: Just a couple of quick items. Our paving project on West Locust Street that we are doing with ODOT is going to start approximately May 9. They say it should take 4-5 days. They will build the whole thing out – pave it out – and they are going to do most of the work late evening and night, so

we will avoid most of the daytime traffic. Secondly, as a little reminder, they are having a recycling Roundup out at the County Engineer's office. That is going to be Saturday April 30, 9:00 to 12:00. You can bring tires, household hazardous waste, motor oil. It comes at a good time. Jason headed up a crew that cleaned up Lytle Creek the other day and they picked up 40 tires. So, this is a little better place to dump your tires – out at the County Engineer's office. Jeff has agreed to take the 40 tires. We've got them loaded up. Plus we found an additional 22 tires out at the landfill that we're going to be taking out. We ask if you have gallons of paint, you need to open those up and kind of let that dry out and let the water leave the paints.

Councilman Jaehnig: Do we know if they are going to, and if so, when, the computer recycling – the electronics recycling that they've been doing the past few years.

Service Director Reinsmith: That question came up. I think Goodwill...is that what they said, Paul?

Paul Hunter: The electronics. They are not going to China.

[Laughter]

Service Director Reinsmith: I think there is a little bit of gold in each piece of equipment and they know how to salvage that out. Goodwill will be the collection point on that. That is all.

Councilman Wells: I have a question. I had a citizen ask me about the Prairie Avenue project and where that stands.

Service Director Reinsmith: We're just about ready to bid it out.

Councilman Wells: We are just ready to bid it out?

Service Director Reinsmith: We couldn't do anything. In fact, the asphalt plant still is not open. It will open up, we think, next week. It has been so wet. I know when they get cranked up, the first thing they are going to do, they are going to be making a lot of asphalt for the bypass. That is a different mix altogether.

Councilman Wells: All right. Pretty soon, then.

Service Director Reinsmith: Yes.

President Ertel: Very good. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Peterson to approve the Auditor-Treasurer's Report – March 2011, 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: Scott Kirchner. 245 S. Mulberry Street. I want to stop today and talk a little bit about...I attended the Water Committee meeting this evening and got the recent rate survey where Wilmington's water and sewer rates, combined, are compared across a total of 63 different municipalities providing water and sewer in southwest Ohio. Wilmington ranks at the ninth spot according...

[TRANSCRIPTION INTERRUPTED – END OF TAPE]

Scott Kirchner: ...I know that tonight we talked in the Water Committee that we have fallen below the ... standard 1.1 coverage ratio that our bonds generally require. I know that the mayor has been working with the trustee to try to see if it is okay for us to fall below that. I also know that in this past budgetary cycle, council moved \$136,000 of administrative expenses into the water, sewer and trash funds. I have concern about the fact that moving those administrative costs from the General Fund into those funds can drive rate increases. I also know that this evening there was talk about creating a minimum charge in the water department to help cover that. I am very concern about its potential to affect senior citizens in this community. So, I will encourage the Water Committee to be very cautious with the idea of that approach. One of the things that I did notice in looking at the pro forma financials on the sewer system, in 2005, Councilman McKay as chair of the sewer committee brought forward a rate increase plan and a strategic plan for our sewer system. That strategic plan had us doing a number of bonded large projects. As I recall, somewhere around \$4.1 across the two projects, one of them being bathtub, as the mayor was fond of calling it, at Galvin Park, and the other being a very expensive southern lateral to what used to be Parkside South. We set in motion a series of rate increases from 2005 that were supposed to be five years long. The first jump was approximately 40%, and the first three rate increases have been put into work. You can see that when you look at your revenues. From 2005 to 2010, revenues have increased 48%. Understand that is just a straight comparison. They were even higher in previous years, with more people and more utilization out in the Air Park. From 2005 to 2010, revenues grew 48%. From 2005 to 2010, amazingly, total operating expenses for the sewer system grew 47%. My concern being that the very reasons we said we needed the money, which was to cover debt service on those bonded projects, never occurred. Currently there should be debt coverage service of somewhere around \$850,000 and we have never bonded a single project through there. We have been on a cash spending spree with that money since it began coming in. I am very concerned because next year and the year after, the final two McKay rate increases are scheduled to take place. I have asked council multiple times to eliminate those increases. If you look at your bond coverage, you are at 1.75. We have the ability. I will ask council to act responsibly to remove those last two increases and to reduce rates back down, as well as operating expenses. Thank you.

President Ertel: Thank you, Scott. Any comments or questions?

Councilman McKay: I would just say we consider that every year. We have no plans to enact those rate increases at this time, and Mr. Kirchner knows that. It certainly was not my rate increase plan as he characterized it. It was council's rate increase plan. We will consider it this year. But, I appreciate your concern.

Scott Kirchner: You will consider what?

Councilman McKay: The rate increase situation.

Scott Kirchner: You already have legislation in place that will increase rates January 1, 2011.

President Ertel: Scott...if you could, would you please come to the podium?

Scott Kirchner: Sorry, with the five-minute time, I thought I was out of the penalty box. You already have legislation on that creates a rate increase on January 1, 2012, and another one January 1, 2013. In 2005, when you brought this plan forward, I as the single "no" vote because...

President Ertel: Scott. You've already presented your case. I think this can be handled in a separate meeting.

Scott Kirchner: Councilman McKay brought up the issue. I'm just trying to answer his indication. Specifically, are you going to get rid of...eliminate the legislation that will implement the final two increases because we have never done the projects that we said we would that caused all of this rate increase to begin with.

Councilman McKay: The project of the reservoir as you characterized it is still on the table. We will certainly consider the projects at the appropriate time.

Scott Kirchner: That project was supposed to be bonded back in 2007. That is why I am asking. We've already put in the rate increases.

President Ertel: I think the question has been answered. Thank you, though.

Scott Kirchner: So you will be removing the final two rate increases.

President Ertel: He has already answered you.

Scott Kirchner: So, you will not be removing the final two rate increases.

Councilman McKay: Scott, I said we will be considering the situation.

President Ertel: Thank you.

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

Councilman Jaehnig: Mr. President. The Wilmington Tree Commission, which will be coming at the next meeting to present their annual report, does have an event coming up this upcoming weekend...not Easter weekend, but the following weekend...in which they will be starting planting of some memorial trees. They are starting a process in which you will have the ability to have a tree added to a memorial area. This area will be along the trail across from Denver Park over by the college farm. We hope to, over time, build a nice wooded area through the trail with trees that are in remembrance of those we love. Again, not this weekend but the following, I believe on Saturday.

Clerk Laura Curliss: I believe it is April 29 at noon – Friday.

Councilman Jaehnig: It is an excellent opportunity for those who are a big believer in trees in our community yet want to honor a loved one.

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 5, 2011, 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 Wallace and seconded by Mongold 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 Mongold to approve the minutes of the last regular meeting, April 21, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this time, I would like to recognize Christine Hodgson for the Wilmington Tree Commission, Annual Report, Arbor Day and Memorial Trees. If you would, come to the podium please.

Christine Hodgson: Thank you very much for allowing me to address City Council. It has been about a year now since Mayor Raizk reappointed or reinstated the Wilmington Tree Commission. Presently we have eight members on our Commission. Rob Jaehnig and Tammy McKay are here tonight, too, and they are on our Commission. I would like the opportunity to interact with you and tell you an annual report of what we have been doing so far, which I think we have done and accomplished quite a bit. Again, it was on Arbor Day of last year, which was on the 30th of April, that we held an Arbor Day Ceremony at Galvin Park and planted a European horse-chestnut tree in honor of Arbor Day. Then, the Commission decided that it was a good idea to get a grasp of what the conditions of some of the trees were in the public right-of-ways in Wilmington. It took two days. We conducted a hazardous tree survey throughout the entire city. With that, we looked at the trees and the conditions of what needed to be pruned, maintained and what needed to be removed. We designated over 50 trees within the City that we thought were in pretty poor condition. They were a hazard to public safety. I believe in last October I did address City Council and gave my report and a spreadsheet of where these trees were located... a map and their condition... for the members of Council. So that was completed, again, in August of last year. Then, in terms of funding, we kind of knew coming in that there were not going to be any public funds directed our way to plant trees or to maintain the trees in Wilmington. We were fortunate enough to get a \$5000 donation through the Clinton County Environmental Preservation Society, which we really appreciated. Then, in August of last year, we decided to start a little public campaign called "Re-Leaf Wilmington." We have flyer that went out in the water bills in the month of August. With that, we generated about \$500 toward planting new trees in Wilmington. We thought that was a great opportunity to expose ourselves to the community plus get a few private donations. Then, in March of this year, we decided to honor some of our residents, past and present, and develop a tribute tree program... not necessarily trees planted on the streets, but in public parks and so on. Again, the public could wish their loved one to be honored and have a tree planted in their name. We did designate that as a Tribute Tree Program. In March of this year, we developed a brochure, which I believe council has had in the past. Tammy does have some if you are interested. This was all going to be launched on Arbor Day of this year, April 29, but we found out that if we started planting trees they would just be in a big old pile of mud and big deep water, so we had to postpone our Tribute Tree Dedication Ceremony, and we still haven't really set a date. The trees are waiting to be planted. We are just hoping that the ground conditions improve. The Tribute Tree area that we designated is along Fife Avenue at the entrance of the 4-C bikeway. We thought this would be nice to start lining that bikeway path with trees in honor of past and present residents of Wilmington. We

have eight going in sometime, hopefully in the next couple of weeks, and then we will be rescheduling our dedication ceremony at that time and we will make sure that City Council is informed of that. The other activities in the past year, we have designed a logo, and then also one of our members, Christine Krisa, she is very good about writing "Tree of the Month." Hopefully, you have seen some of those articles in the paper. She does a nice, nice job in just highlighting some of the special trees that we can see within our City. With that, I will be glad to answer any questions.

Councilman McKay: Those tribute trees...what type of trees are they?

Christine Hodgson: We're planting two species of oaks – four of each – four swamp white and four northern red oaks. We are honoring two people. The Clinton County Environmental Preservation Society asked that we honor Dr. Nathan Hale and Fred Anliot. Four trees will be planted in their honor. Then we thought it might be nice to honor the original founding Wilmington Tree Commission members, which included Ed Loving, Hugh Heiland, Lois Shoemaker, and Nathan was on that committee also. So, they will also be recognized.

Councilman Jaehnig: Just to clarify...I don't know if Mark was intending to go this way, but I thought about it, if somebody is interested in it, are they limited to those types of oaks or are we going to be looking at all kinds of different type of trees?

Chris Hodgson: All different types of species. We just thought we would start with the oaks at this time because they're kind of long-lived and so on.

Councilman McKay: What is the cost of these?

Chris Hodgson: \$500. That includes the tree, the planting. We're going to put water bags on them, mulch, staking, deer protection, so that \$500 will include all of that.

Councilman McKay: Do you get a one-year warranty?

[Laughter]

Councilman Wells: I have a question about that too. If something were to happen to the tree, is it insured? If it would...

Chris Hodgson: We've tossed that around. I guess we haven't publically made a commitment, but I think, Yes. Personally...

Tammy McKay: These are good-size trees.

Chris Hodgson: These are two-inch caliber trees that are going in, so these are not small little whips. These are substantial. The Tree Commission realizes that we have to make a commitment to maintain those trees through watering. That is going to have to be part of it, so that we are doing our best to make sure that those trees survive, as opposed to just planting them and walking away.

Tammy McKay: And we would like to have volunteers join us.

Chris Hodgson: Yes, yes. We are hoping to get a nice membership base, a watering crew, that can help us with that endeavor.

Councilman Wallace: Are we beyond the emerald ash borer situation...is it upcoming...are they here?

Chris Hodgson: They're in Wilmington now. They found them at the fairgrounds. That was discovered back in June. In fact, it was right after the fair because I remember there was one gentleman...maybe it was August when we looked at those trees. They are just riddled at the fairgrounds, so it's here. A lot of cities planted tons and tons of ash because they were kind of a hearty tree. The nice thing about Wilmington is there is not a lot of ash in public right-of-ways in Wilmington. You're kind of fortunate. You're very

heavy on the maples and those maples are just getting very old and falling apart. The emerald ash borer is here. It is now statewide. They used to have quarantines. Warren County was quarantined. Clinton County was not. Now the entire state – they have lifted the quarantines, so you can transport materials across county lines without...

Mayor Raizk: They are here...how long will they stay?

Chris Hodgson: As long as there are ash trees available to feed on. They'll feed anything down to two-inch material.

Mayor Raizk: Then, as the food supply gets lower, then they'll move on.

Chris Hodgson: They will move on. So, as part of the commission, we are not recommending that we plant any ash trees. Fortunately for the city, you don't have thousands of ash trees on the streets that you are going to have to anticipate removing dead trees all over the place. It is kind of lucky in that respect.

Councilman Jaehnig: Have they trussed the tree at the fairgrounds yet? How long should you wait until they do it.

Chris Hodgson: I think they were notified, but the last time I was out there, and that was probably early winter, they were still standing. Right behind the fairgrounds is all that open property, that wooded area, and I'm sure it is just working that way. Is that the Textron property?

Mayor Raizk: That's our property. I think we own those trees now. We haven't been through the woods...have you?

Clerk Laura Curliss: No, but I'm sure...

Mayor Raizk: I don't know how much ash is in there.

Chris Hodgson: I think there is probably ash, but there are no trails. It is a closed woods. People could go in there, but it is not like a park where you're inviting people. You may want to keep an eye open for the Denver Williams Park because of those wooded areas. It has a lot of walnut, but you do have some ash in there. You do have trails, so it would be a good idea to monitor those.

Councilman Wells: Getting back to the tribute trees, will there be a little plaque of some kind to designate who that is for?

Chris Hodgson: No. We are going to have a temporary tag – a certificate to the family members of the honorees. The problem with plaques is that they get damaged and stolen and you can spend all of your money replacing plaques. So, we decided, no plaques. So, we are going to do our best. Then we were talking about developing a booklet pinpointing locations as the program progresses and then we can have a nice little booklet available to people. Thank you so much, I appreciate the opportunity.

Mayor Raizk: You don't have a date for the new Arbor Day yet?

Chris Hodgson: No. The new Arbor Day...as soon as we get those trees in the ground...if it ever stops raining...we will get them in and then we will notify everybody.

President Ertel: Very good. That completes my portion. Mr. Mayor?

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

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

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

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: No report, Mr. President. I would like to mention, though, that I see the Finance Committee meeting has been canceled for Monday, but I will be preparing an up-to-date general fund analysis. I think we were waiting (and I will get with Marque and Paul) to see if there were any big checks that came in after... I think the 30th fell on Saturday. I would like to get to a point where we can compare this time last year to see where we were at and kind of project out. The first quarter is probably our biggest quarter for income tax collections, so we can kind of gauge where we will be for the end of the year.

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

Finance Committee – Chairperson Sandy Mongold: We have no legislation tonight. We did cancel the meeting next Monday. It will be rescheduled into the next week. We will let you know. Thank you.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: On behalf of Councilwoman Peterson, I will take over on that one. We have a second reading on the agenda this evening to change the traffic control map. It was discussed a little bit last time. Do we have any other questions?

A motion was made by Wallace and seconded by Wells to give the second 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.

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

President Ertel: Thank you. Solid Waste/Recycling?

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

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. While the agenda says three readings, I would like to do just one reading tonight on a resolution authorizing a UDAG loan to Amanda Boldman, owner of The Cutting Room, and declaring an emergency. This is for repairs and upkeep to the exterior of The Cutting Room. The porch, in particular, is in real need of repair. That is the topic there.

Councilman McKay: I would also say that it is in conjunction with the Tier II. This is the reason that the city is being involved in this. It simplifies this type of repair work for properties that are involved in the grant process.

Councilman Jaehnig: Thank you. That is a very good point.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing a UDAG Loan to Amanda Boldman and Declaring an Emergency.

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: That is it for Judiciary, sir.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have one item tonight. It will be three readings on a resolution authorizing an agreement for the boarding of prisoners at the Clinton County jail. Our contract expired in April. That is why we will proceed with three readings tonight. It expired because we were negotiating a new contract, which is a nice, favorable improvement financially for the city. We were averaging 12 beds in the past but only really using an average much lower than that. So, we are lowering our bed hold to nine, which will reduce our yearly expenditures quite a bit with that. So, that is why the delay. Are there any other questions?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on a resolution Authorizing an Agreement for the Boarding of Prisoners at the Clinton County Jail and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; 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 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. 2239 passed as read.

Councilman Jaehnig: That is all I have on our agenda, 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 - Convener Bob Mead: No report, Mr. President.

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

Service Director- Service Director Larry Reinsmith: I just love information. I met with some ODOT engineers. They said they really have to get on this project. It has to be done really quick. They are going to replace the bridge out on S. South Street, down by the car wash. Work is supposed to start in the spring of 2013. I said, "Well, that's quite a bit away." They said that usually with ODOT's schedule is eight or nine years out. They are going to replace the whole bridge. As I talked with them, I got them to agree to put sidewalks in on both sides of the bridge. Also, on the west side, they're going to extend the sidewalk all the way up to Woodland Drive. On the east side, they're going to start at the little mall that Looney owned and come all the way to Creek Drive. I think that was one of the Safe Routes to Schools project as a project way down the road, so we'll get a good deal of this put in already. We have the easy part to do from there up to Short Street. You know, when we were out there meeting, people were coming down the hill on that side...four and five at a time...trucks coming and just missing them. I go, "Yeah, that's a real problem." They'll have to shut that bridge down for 45 days. There will be detours, and we have to displace a homeless person out there.

[Banter regarding project]

Service Director Reinsmith: I think that is kind of nice. ODOT is paying for everything. We don't have any match.

Councilman Jaehnig: And that will be 2013?

Service Director Reinsmith: Spring of 2013. It is in next year's budget, July 1, 2012, they will engineer it and sell it then. They'll start it right at the break of spring.

Councilman Wells: Can I ask a question? I received a letter from Brian and Rachel Brooks on Meadow Ridge Circle in Timber Glen. They were asking about the status of getting the subdivision completed with the paving. Do we have any status on that at all?

Service Director Reinsmith: No. The fact is, they are not even mowing the subdivisions. Michelle sent them letters and they came back undeliverable. So, she did a little checking up there in Columbus. The office building that Keethler owned is for sale. She did a little digging more, and she found out that he filed bankruptcy in December. It all may belong to Wilmington Savings here real soon because they have the notes on that. Maybe we can deal with them better than we can with Keethler and Wiseman.

Mayor Raizk: Our first priority number one is to try to get the immediate situation of the mowing straightened around, but the long term is the capping of the streets. It is certainly not on the back burner, but we have to find someone to hold responsible.

Councilman Wells: Do we have a similar situation in Country Oaks?

Mayor Raizk: It is the same situation, essentially.

Service Director Reinsmith: Not as bad.

Mayor Raizk: Not as bad.

Councilman Jaehnig: It has been going on longer.

Mayor Raizk: It is not as bad because we were able to get the first section of Country Oaks capped and street lights in several years ago.

Service Director Reinsmith: I had a lady come in the other day wanting to buy the pool out there at Country Oaks. They said, they're on separate lots. I said, "I don't think we can let you do that." As we went through Planning Commission, there is a requirement for 5% green space or recreational area. I know originally they had a big park at the end of Country Oaks Drive planned out. Well, they came back and said, in lieu of all that park, can we put a swimming pool in for the people. So, that really is part of the required 5% green space. I think we will still have to face that battle and tell them they can't do it. That is coming up too. This woman felt that she could buy the pool and make money off of it selling memberships. But, I think that was a little incentive for people to buy out there...having a pool and party room and all of that. But, they never formed their association and no one is paying any dues to an association.

Assistant Chief Weyand: We paid one year.

Service Director Reinsmith: Did you? To who?

Assistant Chief Weyand: Keethler.

Service Director Reinsmith: Well, he tells me that it cost him \$20,000 to open that pool up last year because of the liability insurance and everything.

Mayor Raizk: Didn't Lauren go around to the residents?

Assistant Chief Weyand: She was out there doing something.

Mayor Raizk: I think she was trying to get signatures.

Service Director Reinsmith: I told Lauren that the best bet was to get the association formed. Then you can go up to them and have them And if they ever want to come up and sell it, we'll put the stops to it because it is part of the subdivision. Right now, it is locked up.

Mayor Raizk: There are some questions that need to get answered.

President Ertel: Very good. Safety Director?

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

Reports:

A motion was made by Wells and seconded by McKay to approve the Income Tax Report – April 2011, 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. Just going by Fred's new rules, I didn't want to interrupt this ordinance reading. It says in the UDAG loan ordinance the application for Jim Burnett.

Clerk Laura Curliss: We changed it.

Mayor Raizk: That is why we are only having one reading because the correct documents will be available.

Paul Hunter: It's just a question.

Mayor Raizk: It was a typo.

Paul Hunter: I didn't want you to put in a bad ordinance.

Mayor Raizk: You were being vigilant.

Councilman Jaehnig: I would just like to thank Lee for being here. Obviously there are people watching, since my wife found it very funny to text me three times during the meeting tonight.

[Laughter]

Councilman Mead: Do you know if there is any activity or update on the Small Hearts, Big Smiles project.

President Ertel: It was out in the paper last week in regard to putting it on county land out by the engineer's office.

Councilman Mead: Well, that's their proposal. I just wondered if anything.

Mayor Raizk: Can I answer that?

Councilman Mead: Absolutely.

Mayor Raizk: As I explained to you and Mr. Wallace the other day, we really made a determination that the Stuckey Farm property is not appropriate. At the time it was reserved for them, because they needed a place to fundraise for, we really didn't do any research on it because we didn't know the extent of exactly what was going to go in there. Once that became clear, we realized...(this all happened just in April). In fact, the first meeting I had with Little Hearts Big Smiles was about three weeks ago. When we

saw that, we went out and did a topo on that ground. While it is a nice piece of ground, the realities of the fully accessible park on the type of topography that is out there is very challenging. There is a 12% slope on much of that ground. Because of ADA requirements and so forth, we need to be in way-less than 2%. Once we came to that conclusion that to be able to put it there, we would essentially have to change the entire topography there, moving a huge amount of dirt at a very high cost. While we could do some of it in-kind, some of it we could not. Some of the infrastructure improvements were just going to far exceed \$150,000 or more. In the city, there is not sewer in that site yet because there had not been any need to extend it. The closest sewer is about 1600 feet away, and the same for water. So, we looked at that. Then we decided to look for an alternative where we can put them. We reviewed all of our available ground. We found out that in David R. Williams Park by the soccer field we already have...first the infrastructure scenario is taken care of. They have done a lot of great fundraising. My goal is to have the bulk of their money to go toward their equipment and hopefully equipment replacement and those kinds of things rather than infrastructure. We have sewer available at that site. We actually already have a restroom there. Now, eventually, there will need to be a special restroom built because of the certain needs that are required. We have a very large parking lot that is available now that is already paved. Instead of putting people on gravel, it already has pavement. We, at least temporarily, on a plat laid out their first, second and third phases, and we found a spot there that was available to them. We made that presentation to them and it is still available to them. They said to me that they were going to look at that site and other sites as well. We stand ready to have that available to them if they so desire it. The good thing about that site is they could be operationally moving ahead very quickly because it is flat. As soon as the spring soccer program is over, which is like the end of this month, all that would really be required is to take off the top soil or grass, prepare the site. The only really major construction thing would be the ramp and a good accessible walkway from the parking lot to the site, which we could do pretty much in house, we think. At least for now, there is a restroom available. There is water and there is electric at the site as well. In fact, if you all look at that site, there is a transformer right there. That could be almost the corner, like the southwest corner of that site is about where that transformer scenario is. They would have available electric for lighting in the future, which is what they would like to have. So, we stand ready to make that site available to them. We can move on it as soon as they make a decision as to where they would want to go. Also, for the future, one of the things, if you remember, Whitaker was here last meeting, and with our CDBG, although we know it is going to be a little bit reduced this year, we have one major use for part of that money. What I would like to do, if they decide to go with that site, because that is money that will be six to eight months from now, I would like to reserve at least a significant portion of the rest of that money. We could put some of that money toward the new restroom that would service the site from the CDBG. It is acceptable for building the fully accessible restroom. That is what we are talking about now. It is kind of at the hands of their board. They are looking at some other sites. But, we do have an acceptable or at least we have something we think would be acceptable to them. If they so desire to have it, we stand ready to make it available to them.

Councilman Mead: Do you have any idea what their timetable is?

Mayor Raizk: I don't. They wanted to research the site across the road. Of course, it is not in the city, so it would not have the sewer, but maybe they would put in a septic system. I don't know. That would be the situation. I think they have something available if they so choose to have it, and we are prepared to move forward. We could move forward in a very timely fashion. We did also tell them that if they needed to take delivery on their equipment that we have made arrangements for a spot to store it for them. That is where we are. That is the latest I have, Bob.

Councilman Mead: Thanks, Mayor.

Mayor Raizk: 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 Mongold and seconded by Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, May 19, 2011, 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 Mongold and seconded by McKay to excuse the absent member. Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

President Ertel: It's good to see everyone here this evening. You have minutes before you. I understand there is a change on page 6 from Councilman Wallace to Councilman Wells. Is that correct?

Councilman Wells: Yes.

A motion was made by Wells and seconded by Mead to amend the minutes. Motion passed.
Minutes amended.

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, May 5, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: Announcements: Wilmington Tree Commission Arbor Day Memorial Tree Dedication Ceremony is going to be May 27 at 12:00 Noon at the Fife Avenue entrance to the 4-C Bicentennial Trail. Hopefully, we will see everyone there for that. Second, is the second CDBG Public Hearing, which is going to be on July 7. Mark your calendars for that. That concludes my portion.

Mayor – Mayor Raizk: Thank you, Mr. President. Tonight we have a special guest with us: Mr. Keith Corman from the Secretary of State's Office. He has a proclamation to read. Mr. Corman, if you would like to address at the podium.

Keith Corman: Thank you, Mr. Mayor, Mr. President, Council, people of the audience and on the video too. It is a great honor to be able to be here tonight, believe me. I have come to really appreciate Wilmington in the time that I have been spending up here. The Secretary sends his regrets that he himself was not able to make it tonight, but something had come up that had prevented that...so he sent me in his stead. Before I read this, I would like to point out that one of the things that I have noticed while being here over time is the people of Wilmington. I have become impressed with everybody I have met. Considering the hard flow of economic issues that befell Wilmington and the people here, I see...instead of a people that sits and cries about it...I see people that are strong-willed and determined to make it work...determined to hold their roots together in this community and overcome it by working together and having a brighter tomorrow for this community. It sets a good example. When everybody talks about what America is made up of, this is the heart of it right here. Without any more, I'll just read this so you can get on with business.

*By Authority of
The Secretary of State of Ohio
Proclamation*

As a result of the Federal Census of Two Thousand Ten for the State of Ohio and the various political subdivisions having been officially made known to me, I, Jon Husted, Secretary of State of the State of

Ohio, complying with the provisions of the Section 703.06 of the Revised Code of the State of Ohio, do hereby make proclamation that the municipality of Wilmington in Clinton County, Ohio according to said Federal Census of Two Thousand Ten has a population of 12,520

And shall, from and after thirty days from the date of this proclamation be known as a CITY by virtue of and in accordance with said Section 703.06 of the Revised Code of the State of Ohio.

In Witness Whereof, I Jon Husted, Secretary of State of the State of Ohio do hereby set my hand and affix the official seal of the Secretary of State of the State of Ohio at Columbus, this 30th day of March, A.D. 2011

Keith Corman: I say congratulations, because I understand you actually grew the community, and that's a lot to be said.

Mayor Raizk: It is an amazing statistic given what we have been through. We did actually go over 12,000 from the 2000 census. We were at 11,700 or something. How much was it Gary?

Gary Huffenberger: It was 11.9.

Mayor Raizk: It was around 11,900. It was an odd number that we had. I remember I wrote a State of the City address one time using the number that was in the 2000 census. To see it over 12,000, I think, is a statement of people hanging together in this community and not abandoning it.

Keith Corman: I think it is a sign of your future... People want to come here. You have what they want and what they need, and you're a friendly bunch of people. I'm just saying. You're tough, but you're friendly.

[Laughter]

Keith Corman: God bless you all. I know you'll do well. You have a great community here.

Mayor Raizk: Thank you very much.

[Applause]

[A picture was taken with the Mayor and Keith Corman]

[General comments of appreciation]

Mayor Raizk: Tonight under Judiciary Committee, there is a resolution acknowledging receipt of this. Since it is not official action, we can do it after receiving a proclamation rather than prior to. Thank you. I think that is all I have.

President Ertel: Thank you so much.

Mayor Raizk: Merci.

[Laughter]

President Ertel: Asset, Acquisition and Use Committee?

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Prior to the Finance Committee, in Judiciary, we have a resolution authorizing the UDAG loan. It would probably be best to go through Judiciary first and get that enacted. Then we will follow up with Finance. Rob, will you take Judiciary right now, please?

Judiciary Committee: Chairperson Rob Jaehnig: Thank you very much. We do have two items on the agenda tonight. The first is the second and third reading on a resolution authorizing a UDAG loan for Amanda Boldman, Pamela and Jerry George and declaring an emergency. This is for work that is going to be done in conjunction with some downtown Wilmington grant money on their facility to work on the front porch and some painting issues and so forth. She is reinvesting in our community. This is a great opportunity for her. Are there any questions in regard to this?

Councilman Mead: I noticed there is only one signature on the application rather than four. Is that something that's just not there yet?

Councilman Jaehnig: I believe when it is finalized, there will three signatures.

Councilman Mead: A man and his wife and a man and his wife.

Councilman Jaehnig: Why we have just the one copy, I don't know.

Mayor Raizk: There will be more signatures on the actual mortgage, Bob. Good call. You're right. Although there wasn't on the application, there will be on the actual mortgage.

Councilman Jaehnig: Are there any other questions?

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 a UDAG Loan to Amanda Boldman, Pamela and Jerry George, and Declaring an Emergency, as Amended.
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. 2240 passed as read.

Councilman Jaehnig: Thank you.

President Ertel: Do you want to finish up your second item while you are here?

Councilman Jaehnig: Sure thing. The second item is three readings on a resolution acknowledging receipt of the proclamation that we just witnessed.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Acknowledging Receipt of a Proclamation for the Secretary of State Declaring Wilmington, Ohio, to be a City Pursuant to O.R.C. 703.06 (Population 12,520).
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. 2241 passed as read.

Councilman Jaehnig: There is just one other item for information sake. On the table, if you have not gotten a copy of it, is some language that we are reviewing for legislation to close, for lack of a better term, a loophole in our current tax code. In our current tax code, the 1% income tax does not apply to gambling or lottery winnings. The former treasurer, Mr. Phillips, had pointed this out before taking his new post. We have been reviewing it. This is an area where we are going to look at closing that hole. We are not that interested in everybody's little scratch-offs and things of that nature, so we are going to put a limit or a starting point of \$5000. There will be no income tax up to \$5000 in a single year. The language for that is over there for your review. That way, you will be prepared for open discussion in further meetings. That is all I have.

President Ertel: Thank you. Let's go back up now to Finance Committee. Sandy?

Finance Committee – Chairperson Sandy Mongold: Yes, we do have an ordinance tonight making supplemental appropriations. Do I have 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. 4966 passed as read.

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

President Ertel: Very good. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: We have one item. Since Councilwoman Peterson is not here, I will take over. We have one item for a third reading. It is to amend the traffic control map. We have addressed this at the last couple of meetings. Does anyone have any questions?

A motion was made by Wallace 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 Wallace and seconded by Wells that the ordinance be passed as read.

Motion passed.

President of council declared Ordinance No. 4967 passed as read.

Councilman Wallace: That is all I have.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, 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 – There are just a lot of things on the table for the summer coming up. Farmer’s Market is already in full swing. We’re going to have the Golf-Around again and a Caddyshack Party before the Golf-Around. There is a new coffee shop opening just down the street. And don’t forget the Third Friday events. We’re excited and happy to live in Wilmington.

Mayor Raizk: Has the schedule been set for the third Fridays.

Councilman McKay: Yes, it has.

Mayor Raizk: I guess it’s on the third Friday...

[Laughter and Banter]

Mayor Raizk: June, July and August...is that when?

Councilman McKay: That’s correct.

Mayor Raizk: That is what I was getting at.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

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

Service Director- Service Director Larry Reinsmith: Just a little bit of information. Of course you know our West Locust project is well under way. They are paving right now as we speak. They will finish the left lane tonight and they will finish the right lane tomorrow night and wrap that project up. Prairie Road project bids June 24, so we can get that project under way. I want to talk just a couple of minutes about a situation. Don knows about it...about mowing. Everybody has a real problem with mowing. Of course, the weather has not been very conducive to mowing. We have a procedure. We have tagged a lot of lots already this year that need to be mowed. We cannot get our own mowing done because of the weather. Now we have a long list of houses to mow. Then, we have pretty much two subdivisions we have to mow out. There is a lot of acreage in those subdivisions. We are going to work to get it all done. I got to thinking, and I started looking at some numbers. This will be a little history lesson. It won’t last long. When I started work here, back in 1987, the City was made of 2,987 acres. During the Eveland administration, the city grew by 60%. It added 1,812 acres to the City, which took the total to 4,800 acres. During Mr. Raizk’s administration, the City has grown by 2,705 acres, which was a 56% increase. So, our total acreage now in our city is 7,505 acres since 1987, which is basically a 150% increase. Now, in 2000, when Davey took office, we had 200 employees in the City. Today we have 197 employees in the City. We have tripled the size of our City. We have dropped labor. In fact, the biggest part of our employees are the Taxi Office. We have 51 employees there...45 of them being part-time. They don’t work a lot of hours, but they are all on the payroll. But, the big thing, back in the year 2000, our Street Department was made of 19 workers, a secretary, 2 mechanics, and a superintendent for a total of 23 workers. We have cuts, layoffs and everything. As of today, we have eight workers. One is a street sweeper operator. We have one mechanic and one superintendent, for a total of ten employees. Our city has tripled in size...not all of it are houses...but we have a lot of vacant land. We have added a lot of roadways and added a lot of right-of-ways that we mow. We have a lot of acreage that needs to be mowed too. So, we’ve reduced our workforce by more than half. Our budget is reduced. The big thing was that loss of money from the R&L license

plate deal. I know people complain about the money that goes out of the General Fund to support that, but we don't have very many workers left in that department. I don't think we really afford any more cuts there. We may have to look at something different to get money for that department. As you can see, you've got eight workers and on any given day, there is one or more off with vacations and stuff like that, so we don't have a lot to work with. We just say, bear with us with this mowing... we'll get it as soon as we can. The numbers prove that there is a lot out there for us to do and not a lot of people to do it.

Councilman McKay: Larry, I know it is early in the year, but as far as asphalt and roads to be re-topped this year?

Service Director Reinsmith: Yes. We don't know where we are going to be money-wise until Prairie bids. Once Prairie bids, we will know that. I have Denny working on a list of streets. I told him to bring me six good streets. I know one of them is going to be Vine Street, probably Spring Street, probably Grant Street over there. We have pieces of Mulberry. He has some sections. I told him to give me six streets, price them all out individually. Once we see how much we have to work with, we can deduct or add. We'll have that list pretty soon.

Councilman McKay: I know I get questions often.

Mayor Raizk: One thing we know we are going to do...with the projects that you are seeing here...of course they are separate projects...Spring Street from the new paving to Birdsall. If you look at Birdsall, we had paved up there. There is a line there where we want to pave that because it is just in terrible shape. Vine Street, because of the character with Lowes Drive now, Vine Street is much more of a thoroughfare than it once was (although, it was actually built as a collector street). It needs a lot of help. I think priority-wise, those are up there. We're going to try to do as many as we have dollars. We want to get them spent.

Service Director Reinsmith: Grant Street was bad and two or three years ago we did crack-seal that trying to extend the life, but it is looking pretty bad. I think the first block of College Street is one we're looking at. It is in real bad shape too. So, we are putting that list together and we will have that for you. Like I said, we need to price it out and see how much money Mary Kay can give us.

Mayor Raizk: Just another note...I know there was a legal notice in the paper about some subdivisions. Don mentioned this. We are working on that. We know that we can mow things and put them on the taxes like Kathryn has been doing. But, we also want to review what other legal options we have where we have situations...not just with the mowing...but we have the street capping and we have some of these other issues. We want to get a comprehensive approach to how we handle where we have subdivisions that due to economic times are not getting finished out. If the owners are taking bankruptcy or these kinds of things, just what are our options? Hopefully, we will come back to you soon with a report on that. I want to get all this information together so we know, not just with the mowing but with everything else, what we can do. I know that it is blood from a turnip in some ways, but we still need to know what kind of legal authority is available to do something. We will bring a report back to you very shortly.

Service Director Reinsmith: That is all, Mr. President.

President Ertel: Thank you. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer's Report 2011 and the Hotel Lodging Tax Certification Report – First Quarter 2011, 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. Just a couple of items from what Larry said. For a year I have been preaching that annexation can cost you money...not make you money. This is an example. We have all of that expanded territory and we are not getting squat revenue out of it. Then, I have a question for you. Didn't some of those workers go over to the Sewer Department that were working for Denny? When they had the whole thing together, they had 'x' number of employees and then some of those left.

Service Director Reinsmith: We had people from Sewer and Water way back when.

Paul Hunter: They were mowing grass too.

Service Director Reinsmith: They were doing all that work. Back then, when something came up like an emergency, all the crews would go out and make that repair. Then, they split out the departments for us.

Paul Hunter: Finally, is Mr. Keethler going bankrupt? Is that what you are saying?

Mayor Raizk: He has filed.

Paul Hunter: He did? He has both of those properties, right?

Service Director Reinsmith: But, he's tied in with Al Wiseman too.

Mayor Raizk: So, we are trying to assess the whole impact of it. That's what I was referring to. We want to know what our legal...

Paul Hunter: Right. If he doesn't have any money, what are you going to do?

Mayor Raizk: Well...that's the blood and the turnip, you know.

Paul Hunter: Can we take the property?

[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 Wells and seconded by Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, June 2, 2011, 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 McKay and seconded by Mongold 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 Mead to approve the minutes of the last regular meeting, May 19, as received. Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: I would like to announce to everyone, to all members of council, that our budgetary process this year, as you know, is going to be very difficult. It is going to require all of the tools and talents that we have. To make sure that every person in Wilmington is represented, effective July 1, every councilperson will become a member of the Finance Committee, which I think is a great step. Sandy will certainly still chair that committee. That way, everyone will be on the committee and have the opportunity to speak and interact with the committee and so on. I think it is a great step forward. That will be effective on July 1. At this time, Steve Brown, would you like to say a little bit about Main Street?

Steve Brown: Me, a little?

[laughter]

Steve Brown: A couple of upcoming events that we have that we want to let you and everyone make note here. Next Saturday, I know there is a little confusion with the article that came out in the paper, “Be the Change Day.” It is actually part of a Main Street effort and some volunteers from Main Street in collaboration and support with the Chamber. We are all working together now...it’s wonderful...we’re all working as one and moving in the same direction. “Be the Change Day” would be an opportunity for public input on how we can improve out downtown. It will be from 10:00 in the morning until 1:00 in the afternoon next Saturday. For anyone who wants to seek a positive change, you will have direct input. There will be surveys. There will be tours of downtown. The tour can encompass the Farmer’s Market, so you won’t miss that if you want to come. Then, there will be some type of action plan. We don’t want to waste anyone’s time without doing something with it, so there will be an action plan by the end of that three-hour meeting. So that is a Main Street effort. The community is downtown; it’s our downtown. We really believe that Main Street operates off of your input – 100%. Most of everything we do is because you suggested it. So, coming to that, one of those suggestions a few years ago was to have a festival, so we’re doing that again this year. The third Fridays – June, July, August – we have a fun lineup this year. June 17 will be Parrots of Caribbean. They have been there before. That’s party time there, because that’s a tribute to Jimmy Buffet. We will be doing it the same way we have been doing it in past years, with a live band, local foods, and the secret ingredient...

[Laughter]

Steve Brown: ...which will include margaritas at that one. July 15, Funky G and the Groove Machine. It is, as it sounds, old school dance funk music. If someone wants to do the worm or something like that, it would certainly be appropriate at that time. In August is To Be Announced. We do have someone penciled in there, so we will

certainly have music then. But we may have an opportunity to have a bigger name come in. We will see how all of that works out. We will plan on that. Pick one of these on your way out if you have not already. The rest of the schedule is on there... Wine Walk, Halloween Bash, HoliDazzle, and the rest of our events. On the other side of it is the entertainment schedule for the Brownbag Lunches, which the first one was this afternoon at the Murphy Theatre from 11:30 to 1:00. Bring your lunch to the Murphy Theatre lobby. There are lunches available at downtown businesses, packaged just for that, so you can stop at those places. But, June and July we have a full lineup there with local musicians. That is what is going on there. Is Farmer's Market next? Are we on the same...? Let me introduce Dessie Buchanan, who is the lead in the Farmer's Market.

Dessie Buchanan: Thank you very much. I am happy to be here to announce the start of the summer Farmer's Market this Saturday, June 4. We are going to be back in the mural parking lot right next to the General Denver. Saturday hours are 8:30 in the morning until noon. Throughout the summer, we meet twice a week every Saturday morning and every Wednesday afternoon. Our hours are changing on Wednesdays. We are moving to a later time slot of 4:00 to 7:00 in the evening to accommodate some of the after-work crowd so that they are not rushing to get in by that 5:30 market end time. We are really excited about that. We think it is doing to be a great time frame. A couple of exciting new initiatives are happening with the market this year. First of all, it is our launch of an EBT program. What that is going to allow the market to do is accept food assistance benefit, also known as food stamps, just like cash, with participating vendors. So anyone using a food assistance card can exchange their benefits for tokens to use at the market. It is going to be an exciting development that makes the market much more affordable and accessible to everyone in the community. Another development is that we are really trying to make the market more of a community event. I think we have been building up in the last couple of year since our move to the downtown area, with the inclusion of live music and the General Denver music. This year, every week will have its own theme. I have some handouts both on the EBT programs and on the June event schedule. The first weeks are kind of a nonprofit deal. We are reaching out to the historical society. We already have the some of the humane societies on board. We have an art day that is going to be happening, bringing local artists in. Those are the first Saturdays in the month. The second Saturdays are all health, wellness, safety-type things. We are going to have some free fitness classes. Wilmington Police Department is going to come and have safety demonstrations. Third Saturdays are all about cooking and nutrition. The fourth Saturdays are family fun days. What is great about all of these events is there are free, they are family friendly, and we are really trying to encourage people to come to the market and stay at the market for longer than just that shopping time and stay downtown and kind of shop around and enjoy the whole downtown atmosphere. So, again, I have this handout. My contact is on those. You can go to our website www.clintoncountymarket.com, if you have any more questions.

President Ertel: Thank you so much. Okay. I believe that does my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: I don't have anything special tonight, Mr. President. I did want to say, since Steve and Dessie are here, I think the Farmer's Market banners are outstanding. I have heard comments from outsiders who have noticed them. Even some local folks have just noticed how sharp they look. They really have dressed the town. I was with some folks from out of town last night. Again, I think because we all live here, many times we put blinders on. It's kind of like the way we felt about our streets and curbs and gutters and those kinds of things. It was amazing to see how impressed people were with our downtown because of how good it looked, the vibrant activity, and so forth. Steve, I wanted you to hear that because I know you hear a lot of negative stuff. It was amazing. I really think a great barometer for how you are doing is how people who don't live here view it and how they think about it. I think it is good to get their input. Really, that is all I wanted to say, so thank you.

President Ertel: Thank you, Mr. Mayor. Let's look at committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. No Auditor's report.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We do have two items. The first item is a resolution authorizing payment of expenses incurred in a prior fiscal year – the “then and now” notification.

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

Motion passed

In the absence of Kathryn Hapner, Brian Shidaker 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. Brian Shidaker 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. 2242 passed as read.

Councilwoman Mongold: The second item we have tonight is we are renewing our bond on the landfill vertical expansion and on the Lowes Drive project. We were able to obtain financing of 1.49 through PNC Bank. Are there any questions on this? Most of us were at the meeting the other day when we went into this pretty much in depth.

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 Aggregate Principal Amount of \$1,102,500 in Anticipation of the Issuance of Bonds, for the Purpose of Discharging at Maturity Notes Heretofore Issued to Pay Part of the Costs of Constructing (I) Lowes Road (AKA Lowe's Drive) and Related Improvements, (II) An Extension to Davids Drive, and (III) Vertical Expansion of the City's Landfill, and Paying Related Lawful Costs.

Motion passed

Brian Shidaker 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. Brian Shidaker read the ordinance by title only.

Councilwoman Mongold: Before moving for passage, I just wanted to note that we are paying \$100,000 toward the landfill and \$12,500 toward the Lowe's Drive project for a total of \$112,500 that we are paying back in principal.

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. 4968 passed as read.

Councilwoman Mongold: We will inform you of when the next Finance Committee meeting is. 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 Wallace: No report.

President Ertel: 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: Thank you, Mr. President. We have one item on the agenda tonight. That is the first reading on an amendment that is basically closing a loophole in our tax code in which gambling or lottery winnings are not being taxed. This is something that is actually very unusual. Most of the communities in Ohio do consider that income and do receive the tax in regard to that. This is the first reading only on the ordinance tonight to close that loophole and move forward. Any discussion or comments?

Paul Hunter: Does that pass muster as an earnings tax? Does it work that way...because we don't have an income tax; we have an earnings tax?

Councilman Jaehnig: Yes. And it doesn't apply until you've exceeded \$5000 in winnings. We are not really interested in the scratch-offs and the bingo parlors and those types of things. It is really just an opportunity for those every now and then chances to actually maybe get some funding to do projects or something of that particular nature.

Mayor Raizk: Marque, since you are here, if you would get those kinds of winnings, wouldn't they be subject to a 1099-G. Is that is what it is called, or do they give you a W-2.

Marque: They give you a W-2-G.

Mayor Raizk: Okay. It is a W-2 G now. They do not use the 1099. That qualifies it as earnings; is that correct?

Marque: Right.

Paul Hunter: Another question, if I may, if a ticket is sold in Wilmington, does it become taxable?

Councilman Jaehnig: No. You have to be a resident. We are not legally able to tax somebody for buying the ticket in Wilmington.

Paul Hunter: That kind of runs across our residency...if you earn it in Wilmington, you pay it no matter where you live.

Councilman Jaehnig: If we could figure out how to get around that, I'm sure we would be happy to do that. You have a very good point. It is something that we looked into, and we were informed that that was unable to be accomplished at this time.

Paul Hunter: It has been vetted, then.

Councilman McKay: Can the person be taxed in the community that they live in?

Councilman Jaehnig: They may already be taxed in the community that they live in, because most communities already have that. In fact, the \$5000 before it takes effect is very high. The majority of the communities are at \$1000 before they start taxing, but we thought that the \$5000 was more fair. We also didn't want to burden the tax department

in following up on very minor tax issues. If there is no further discussion, I would like to ask for the first reading.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Amending Codified Ordinance 171.03(A)(1) to Include in the Definition of Income Subject to the Imposition of City Income Tax Pursuant to 171.03 Any Amount Over \$5,000 that is Won by Lottery, Gambling Sports Winnings or Other Games of Chance.

Motion passed

Briand Shidaker read ordinance by title only.

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

Councilman Jaehnig: That is all we have for Judiciary, sir. Thank you.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I think we had a great report on that already. We'll just keep revitalizing.

[Laughter]

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

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

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

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Very good. Safety Director?

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

Reports:

Councilman Jaehnig: I have one question. On the 'additional' does that mean that this is like a supplemental to the previous report that we had on the first quarter.

Mary Kay Vance: Yes. That was missing and not paid when we had the original report to you at the last meeting.

Councilman Jaehnig: Okay. I just wanted to make sure I was understanding that correctly.

A motion was made by Wells and seconded by Mongold to approve the Income Tax Report – May 2011, and the Additional Auditor's Hotel Lodging Tax Report – April 2011, 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.

Dick Unger: 1036 N. Lincoln St. A couple of quick issues. I realize that sometimes council members may not have a report. I come to council meetings to get information,

which results from the council reporting. They have a new high-tech machine guy back here, and I'm sure that people who tune into that would like to see that. Perhaps whoever supports him might say maybe my dollars would be better spent somewhere else. If they don't have a report, who is going to listen? The subject that kind of comes up, and we have no report on it tonight, however, the newspaper gave us a nice report on it yesterday, was our water. I don't know if you all read about our drinking water. Both lakes tested high for bacteria – Cowan Lake and Caesar Creek, which we get our drinking water from. Now to me, that would generate a report from the Water Department guy. The other thing if you read into the article it really kind of makes you stop and think about it is the latter part of that article says "removing the bacteria involves chlorinated..." Wait a minute, let me back up here. It says, "using the alternate source of water, (which is our original source of Burtonville), is easier than treating water from Caesar Creek." "Removing the bacteria involves chlorinating the water. We're in no hurry to go back to it." ...meaning Caesar Creek. Why is that? We spent a lot of money getting the Caesar Creek water for our use and now we are getting reports that it is too expensive and not such a good idea maybe to treat that water. It's not maybe the quality of water that we thought we had.

Service Director Reinsmith: Dick, we went off the lake several weeks ago. The one thing you need to remember, with all of the heavy rains, that is an abnormal thing. It's washing all of the fields and all of the pastures and all of the cow patties and all of that. That is where they are picking up all of those germs. Once we get those kinds of rains, we just shut off. We also had times in the spring, too, when the water is too muddy to treat. You can treat it, it just gets real expensive. We can go to a cheaper way to treat it with those two reservoirs. We have plenty of water out there. It is pristine out there. So, we just go off of that for a while and then as the water passes through and settles down and cleans up, then we go back to Caesar Creek. It is an economical thing to do. We can treat the water and it tastes just the same, but it takes a lot more chlorine and everything.

Dick Unger: I know when you are on it, because there is a lot more chlorine.

Service Director Reinsmith: We have a dual-feed system and it just works out better that way.

Dick Unger: My point is, is the quality at Caesar Creek what we really want it to be? Do we need to be talking to the EPA? Maybe there are too many wave runners over there.

Service Director Reinsmith: They would like you to protect your water shed. Of course, that is several hundred acres that we have no control of. We can't control any of those farms up above that lake. The EPA would love to see it happen, but it would take some heavy legislation out of the state to get that done.

Dick Unger: It has to start from some place.

Mayor Raizk: I think the issue, Dick, is that in normal times we do not have that problem at Caesar Creek. With this unusually heavy rain we've had this spring, there has been a lot more infiltration into the lake than we have had before. Our system is designed so that, as Larry says, we can roll back and forth. It is less cost for us to do so. There is no danger either way because we treat the water to the same standard no matter which way it goes. At delivery at your house, it is going to be of the same quality. However, there is no reason to do more chlorination when we have a source that allows us not to do it. Then, as Larry says, when we get the periods of high turbidity, where we get a lot of cloudiness and mud, it is easier to roll back to our reservoirs. When that calms down, we can go back. The reality of it is, while we have the flexibility to switch, as a long-term water source, the Caesar Creek provides us the volume we could never get out of Cowan Creek. By having the two reservoirs, (and that is why we really never got rid of them), we are able to switch over. So it is, one, less costly and, two, we do have a great backup source should there be any problems. In terms of the watershed, yes, we would like to protect more of the watershed than can be protected. There are folks that are actively engaged in protecting the watershed (I can't think of their name... something like Little Miami River Partners). These groups are trying to protect the feeders into Caesar Creek. This spring was especially bad because of the huge amount of rain we had and the

washing of fertilizers off the fields. Then again, the economy in this area is based on agriculture as well, so it is kind of a trade-off.

Dick Unger: I understand everything you're saying. To me, it just raised the flag to ask the question...

Mayor Raizk: It is a good question.

Dick Unger: ...about the quality of the water on its norm. I know there is a lot of boat traffic over there. I also know that in some lakes, in California for example, wave runners are not permitted because they don't utilize the fuel so much and their fuel goes back into the water system and the fuel is treated for air pollution, which they can't clean up when it comes to human consumption, so they just outlaw them altogether.

Mayor Raizk: I think part of that article addresses that the high content is of concern for the recreational use as well, in terms of swimming and so forth, because it is bacteria content and chemical content. It is a question that bears asking, that's for sure.

Dick Unger: We all use that water. I fish and utilize the lakes and I am aware. That is all I have.

President Ertel: Thank you.

Councilman Wells: I would like to say something to Dick. If I say "no report," basically what I am saying to the president is our committee has no legislation that needs to come before the council for action. That is just what that means.

Dick Unger: To me, "no report" means I haven't been there, there is nothing going on, and we don't need to tell the public anything. That is what "no report" means to me.

Councilman McKay: Once in a while we do surprise you with a report.

Dick Unger: That is nice when that happens, too. It makes you feel like you are part of the community.

Paul Hunter: 200 Randolph St. I just want to add to what Dick brought up. Warren County and Greene County, two contributors to Caesar Creek, have strict control of septic tank discharges. This county does not. We are the major user of that water, yet we are the only county pumping stuff into it...groundwater from unmaintained septic systems. There is no control. Nobody inspects septic systems. Nobody makes them change over to the alternate leach beds. It has been a long problem. Chester Township, as you know, is the biggest population growth area, and every one of those houses has a septic system and they are not state of the art. Ohio did legislate that they had to be state of the art, but the real estate people said, "We don't like that rule," and they rescinded the proper treatment of surface water. In that area especially, because it has very poor drainage and percolation. In the long term, pressure on the county and on septic tank users has to become a coordination problem. We're the water consumers, but they are responsible for the rural sewers and filtrations. Thanks.

President Ertel: Thank you.

Councilman Jaehnig: Mr. President.

President Ertel: Yes sir.

Councilman Jaehnig: I just want to say that I am happy to say that, after a long working relationship, this Sunday we finally have racing going on at the Air Park. It will be out at the DHL Welcome Center, the Employee Parking Lot, starting at 9 a.m. The engines will be roaring and we will have our first racing event in solo racing. It is totally free. If you want to come out and see what it is all about, please do. We greatly appreciate it, if you are all excited about racing. Fred? Get your car and come out. We'll get you signed up to race. Thank you, sir.

President Ertel: Very good. Yes. Perhaps maybe in two-three years, I'll have it done.

[Laughter]

Councilman McKay: Are there going to be vendors out there?

Councilman Jaehnig: There are going to be some vendors out there. We are trying to confirm the last of them right now. Generations is confirmed. Generations will be out there and they will be doing a lot more than just pizza. We are working on a few others to get them worked out. Being out at the Air Park we have a few other regulations that we have to overcome, so we are still working on that. We are very close. It will be the first of four events. We are trying to lock down the other dates, hopefully by the end of the day tomorrow.

Councilman McKay: So people can expect something to eat and drink if they come out.

Councilman Jaehnig: Definitely. Thank you for the questions.

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 Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, June 16, 2011, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by McKay and seconded by Mongold to excuse the absent members.

Motion passed.

Absent member excused.

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, June 2, as received.

Motion passed.

Minutes approved as received.

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

Mayor – Mayor Raizk: I don't have an official report tonight or any legislation, but I do have several things. At your places, you have an item. Larry and I just had a meeting with some folks and we just wanted to bring something to your attention. This is over off of East Columbus and Applegate area. The situation is developing. We are working on it. We will be consulting. This property is actually zoned industrial, so it is a little different than some. There are some things that we are looking at. There are some conditional uses that have not been met or that have never been applied for. We want to check the dates of all of that. We want to let everybody know that we are going to get on this. We met some of the neighbors a little earlier. They rightfully want something done. We are going to see what we can do to make that happen. That is why you have that picture at your places. Secondly, our insurers, Miami Valley Risk Management Association, our pool of communities, we would just like to shout out to all of the department heads and the employees. We are one of the communities that met the standard of excellence in 2010. This is losses of \$100 or less per employee. In terms of our insurance, Wilmington is one of the communities of Wyoming, West Carrollton, Englewood, Centerville, Montgomery, and Springdale...we are one of the communities that met that standard and received the 2010 Standard of Excellence Award. Our hats are off to our department heads and all of the employees for being mindful of their risk. The bottom line as far as council should realize is that by them doing this, it saves us money. Good practices and risk management make the bottom line a lot less. I want to publically thank all of our department heads and employees for doing this. I believe that is all I have, Mr. President.

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 –Auditor David Hollingsworth: I don't have anything formal to present night, but before all council members leave, I have a packet with our year-to-date general fund information through the end of May. Then, I have gone through and analyzed all of the special revenue funds that receive monies through transfers from the General Fund. I will give you guys time to take that and kind of absorb it. Then, our next Finance Committee meeting, if you want to make that an agenda item, we can discuss it at that point.

Councilwoman Mongold: I have discussed with the Deputy Auditor that our next meeting will probably be maybe toward the end of the last week in June. We will let you know for sure.

President Ertel: Thank you. Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: We do have an item tonight. It is an ordinance making supplemental appropriations. You will notice that they are all from the community corrections fund. The reason behind this is that grant, the grant dollars for this, is just for the first six months. So, when we did the appropriations, we only knew the figure for the first six months; we did not know what the next six months' grant would be. Now that we do know, we need to appropriate it.

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

Motion passed

In the absence of the Director of Law, Brian Shidaker read ordinance by title only.

Mongold requested that the second and third reading be on the Agenda for the special council meeting.

Councilwoman Mongold: We will inform you of when the next finance committee meeting is. Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – In the absence Chairperson Mike Wallace, Councilman Wells: In Mike's absence, there is no report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: Since I'm the only member, I guess I will have to do it. Tonight, Mr. President, we have the first reading on a resolution adopting preliminary legislation for the replacement of a bridge over Lytle Creek in the City of Wilmington. Are there any questions or discussion?

A motion was made by Wells and seconded by Jaehnig to give the first reading only on the resolution Adopting Preliminary Legislation for the Replacement of a Bridge Over Lytle Creek in the City of Wilmington Located on US 68 0.26 Mile North of the Southern Intersection with SR 134 and Declaring an Emergency.

Motion passed.

Brian Shidaker read ordinance by title only.

Councilman Wells: Mr. Mayor? When do we need the second and third reading?

Mayor Raizk: I think we can just do it in normal fashion.

Clerk Laura Curliss: We are going to need two special council meetings on Monday and Wednesday. You need it, don't you Larry?

Service Director Reinsmith: I gave you the whole packet. There was a date on that cover letter that was pretty quick.

Mayor Raizk: We will have the second and third on the two specials.

Service Director Reinsmith: That would be good.

Wells requested that the second and third readings be on the Agenda for the special council meeting.

Councilman Wells: That is all, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

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

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 two items tonight, Mr. President. The first is a second reading on an ordinance amending our tax code. Basically, to close the loop-hole that currently does not tax winnings on gambling and lottery winnings. Just as a refresher, that will be a tax we will file on winnings over \$5000 or more in a given calendar year. I know that we have a couple of people that wanted to comment in regards to that, so I would allow them to come early rather than later.

Steve Brown: Executive Director, Main Street Wilmington, 564 Walnut Glen Drive. If we do have passage of this new income tax, we wanted to bring a couple of ideas to council of where this may be designated. Since it is an inconsistent tax of varying amounts, I would see it would be difficult to place this in a budget of any type. So, we have a couple of ideas for you to consider. One would be to enhancing and improving the downtown district. This would go right into what we see as our plan for downtown. Main Street would like to receive part of these funds and administer those, investing in downtown improvements such as benches, more flowers, special lighting. You've heard me say these items before...possibly a downtown music P.A. system and some water feature. And also more trees downtown, which I would like to turn it over to the Tree Commission and their request also for these funds.

Christine Hogdson: Thank you. My name is Christine Hogdson. I live at 254 Darbyshire Drive. I am representing the Wilmington Tree Commission tonight and I appreciate being able to speak with you. We do plan another fund drive this fall to ask the community for donations. Usually the funds are designated for tree planting. When it comes to removal of hazardous trees and maintenance of the city's trees in the public right-of-ways, that is not the warm and fuzzy thing that people really want to donate money toward something like that. So, we are asking to designate some of these funds toward the public trees in Wilmington to be left with council's approval for the maintenance of the public trees, removal of any hazardous trees that need to be taken down in the right-of-ways and in addition to planting additional trees on the city streets. Thank you.

Councilman Jaehnig: Thank you. As you both may be aware, just to clarify, each year taxes could be extremely low, maybe \$100, unless we have large winnings. At that point, then the high end could be \$1000 or \$2000...if we hit the million dollars worth at 10. So, it is not necessarily a large sum of money, but obviously for your budgets, it would be substantial.

Chris Hogdson: Thank you.

Councilman McKay: Would we be considering this, then, at another Judiciary meeting prior to further readings on this.

Clerk Laura Curliss: How you spend it is a separate matter than putting it in the ordinance.

Unknown speaker: Question. What tax rate would this be?

Councilman Jaehnig: It is the normal city income tax/earnings tax of 1%. Right now, the 1% applies to your earning. It applies to what you put in 401K. It seems inappropriate that it doesn't apply to this single item. Any other further comments?

Councilman McKay: It just seems like we need to discuss it sooner rather than later.

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Amending Codified Ordinance 171.03(a)(1) to Include in the Definition of Income Subject to the Imposition of City Income Tax Pursuant to 171.03 Any Amount Over \$5,000 that is Won by Lottery, Gambling, Sports Winnings or Other Games of Chance.

Motion passed

Brian Shidaker read ordinance by title only.

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

Councilman Jaehnig: The second item tonight is the first reading on an ordinance rescinding ordinance Chapter 713 and adopting a new ordinance in Chapter 713 in regards to transient vendors. These are those that come into our community to sell items. We needed to kind of clean up this ordinance. It had not been reviewed in quite a while. The implementation of it had become cumbersome and we wanted to clean that up. So, that is what that is. Are there any questions or discussions in regards to that?

President Ertel: Yes.

Councilman Jaehnig: Yes sir?

President Ertel: Does it apply to fair vendors?

Councilman Jaehnig: I don't believe it does. It also does not apply to the schools going door-to-door or the churches. Those are exempt from this particular policy.

President Ertel: Okay. Thank you.

Councilman Jaehnig: If there is no further discussion, I call for the first reading, please.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Rescinding Codified Ordinance Chapter 713 and Adopting New Ordinances in Chapter 713 Regarding Transient Vendors in the City of Wilmington.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the special council meeting.

Councilman Jaehnig: That is it for Judiciary, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have three items tonight, Mr. President. We are keeping things busy. The first is a reading on an ordinance authorizing the mayor to enter into a contract to provide Fire and EMS services to Washington Twp. This particular ordinance is basically a mirror image of the agreement that we have already made with Union Twp. They have a fire levy that is in place. Whatever funds they collect will be turned over to the City since we will be providing their fire services. This is a five-year contract. Are there questions or discussion in regards to this?

Paul Hunter: It's a set amount, right? Not whatever they take in.

Councilman Jaehnig: No it is not. Whatever they receive; we receive.

Paul Hunter: Have we done that with other ones?

Councilman Jaehnig: Union Twp. That is what we just did. If there is no further discussion, I ask for the first reading, please.

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 to Provide Fire and EMS Services to Washington Township (July 1, 2011 – June 30, 2016).

Motion passed

Briand Shidaker read ordinance by title only.

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

Councilman Jaehnig: This has to be completed by the end of the month so their contract can start on July 1. The next item is the first reading on an ordinance authorizing a contract without bidding for the replacement of equipment for the operation of the security systems for the doors and intercom systems for our police department.

Basically, we are in the middle of updating the dispatch system. We have gotten a grant for that. Part of that system was an old antiquated door safety system. Currently it works off of a push button system. This would allow cards so we have a much better idea of access and who is coming in and out of the Police Department. We have funds from the Federal Forfeiture Fund that will be applied to this and funds that they had already had in their capital expenditures. So, there will be no additional spending out of the General Fund for this project. Are there any questions in regard to this item?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Authorizing Contract without Bidding for Replacement of Equipment for the Operation of the Doors and Intercom System within the Secured Facility of the Wilmington City Police Department, and Declaring an Emergency.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the special council meeting.

Councilman Jaehnig: Our next item tonight...to be honest, I am kind of disappointed that we are not able to pass this particular ordinance all in one evening. Our Police Department has been having to deal with the bath salts issue. If you are not aware of that, it is kind of a generic name for a new drug on the market. The unfortunate thing is it is legal. It is being sold over-the-counters at convenience stores in our community. It has a serious, serious effect on those who take it: racing heart rates, paranoia, aggressive behavior, and very little control over how it affects the individual to the point of severe danger, to be honest. Last Friday there was an incident in which our officers had a gentleman in his car who was repeatedly ramming into a parked car. They were in a situation where they were basically not able to do much until he stopped. Heart rates racing up to in excess of 200 beats per minute. It is a very, very dangerous situation. The state is taking action on this, but it is tabled until they solve the budget problem. We feel that this is a severe enough circumstance that we do not want to wait for them to come to a complete action, which may be, to be honest, by fall. We have a few convenience stores right here in town that we requested they take them off the shelves. They have not, so this leaves us with this action as the only way of getting it off the shelves. It will allow it to be sold, possessed and used. There is a long list of trade names for this particular product. This particular ordinance will also include the banning of RFX, the synthetic marijuana.

Clerk Laura Curliss: Oh, yes, the synthetic cannabinoids.

Councilman Jaehnig: It is kind of unfortunate that we are actually having to deal with this locally, but it is something that needs to be put through as quickly as possible. Since this will be in the paper before we actually pass it, I am warning those convenience stores now. Get it out of our city. This is not acceptable. We will not tolerate it. You are just fortunate enough that we are not reading it all in one evening, so the police aren't on your doorstep tomorrow morning. Are there any questions in regards to this ordinance?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Prohibiting the Manufacture, Possession, Use, Exchange, Sale,

Distribution of Synthetic Cathinones (More Commonly Known as “Bath Salts”) and Synthetic Cannabinoids (More Commonly Known as K2, K3, Etc.) and Other Synthetic Drugs and Their Derivatives and Substituted Forms and Declaring an Emergency.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the special council meeting.

Councilman Jaehnig: That is all tonight for us, Mr. President.

President Ertel: Thank you. Very good. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Thank you, Mr. President. Anybody who has driven down Main Street can see that we have started a sidewalk project again this year. I think they are using common sense and leaving a walkway open where possible. They even had an event at the Murphy today with the sidewalk partially closed. Secondly, tomorrow night, the Main Street group is putting on their first Third Friday event...Parrots of the Caribbean. It was a very well-attended, exciting show. Things will kick off at 5:00? 6:00?

Steve Brown: The band starts at 7:00.

Councilman McKay: The band starts at 7:00.

Mayor Raizk: Steve is dancing at 8:00 p.m.

[Laughter]

Councilman McKay: I know some of the booths will be open earlier than that. You can get started partying earlier than 7:00. It has been a great group, and don't let any threat of rain keep you away, because I know they're going to party somewhere. That's all I have, Mr. President.

President Ertel: Okay. Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

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

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

President Ertel: Thank you. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Mead to approve the Auditor-Treasurer Report – May 2011, 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.

Lee Hendee: Well, it has come to my attention that this webcasting business is not working as well as I had hoped. Unless advertising revenues change drastically, Web Entertainment Media will cease all live operations as of July 1. That means we will not be webcasting City Council or County Commissioners or the Tuesday Night Show at Books 'N' More and those things. I really created this service as a service and means to expose the community, especially downtown Wilmington – exposing downtown Wilmington to the outside world. I know I'm not Glenn Beck, but I think we've done a

fair job at this and have received comments as far away as New Zealand and other points far and near. The website will continue to operate and will maintain much of what we have on there now, plus doing some special features. Occasionally we may do some special events such as the Holidazzle parade. We will be doing our last major event this Saturday, and that will be the Lucas Oil Pro Pulling League Tractor Pull Spring Nationals at the fairgrounds this weekend. That is going to be, I hope, a very impactful event on the community. There will be people here from all over, but we have the webcasting rights. We are the only ones besides Lucas Oil that has rights to webcast those. This will likely be our last major event. After working long and hard to gain webcasting to the Clinton County Fair we will likely not do this or the Corn Festival unless things change. I don't want to stand up here and sound bitter, because I know the economy is not the greatest. When we began, it was our promise that we made to some area businesses and others that we would not go to large corporations for our advertising revenue, and we have kept faithful to that. We have not put the big corporate chains on, and we would never consider doing that, because we believe in downtown Wilmington. We believe in this area. So, that is what we are all about. We stand by that and we still believe in the local community and hope that it can rebound soon. You never know...things can turn around drastically. We were only try to fill a void (and I guess this may have been a mistake) to fill a void of not having a real, true local radio station in the area...one that can provide us news and information. We at Web Entertainment wish all of the merchants, especially here in downtown, the very best. We hope at some point to be back and be able to get things rolling again. We thank any of the merchants that have been with us and helped us over the past year or so...we thank them very much. I just wanted to let everybody know what was going on. I emailed everybody I could think of. I know Don was aware of it before he came in. That is all I have. Thank you.

President Ertel: Thanks, Lee, for all of your help and support up until this time. Thank you very much. It was a very good service. Mrs. McKay?

Tammy McKay: I just came from a meeting of the Friends of the Park, and we are doing final planning for the Fourth of July celebration. I want to remind everybody here that Wilmington does celebrate the Fourth of July on the Fourth of July. There will be the usual activities out there. We will have a couple of local bands. The fireworks actually kick off at 9:45. We want to invite everyone and remind everyone that we will celebrate the Fourth on the 4th here in Wilmington. 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 Mongold to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Monday, June 20, 2011, 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 McKay and seconded by Mongold to excuse the absent member. Motion passed.
Absent member excused.

President of Council – Fred Ertel: Moving right into business, Finance Committee.

Finance Committee – Chairperson Sandy Mongold: I am going to ask that we go ahead and suspend the rules and regulations and give the second and third reading on an ordinance making supplemental appropriations. It is important that we get this passed to meet the deadline of the grant.

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. In the absence of Director of Law, President Ertel read the ordinance by title only.
A motion was made by Mongold and seconded by McKay to pass the ordinance as read. Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Motion passed.
President of Council declared Ord. No. 4969 passed as read.

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells:

A motion was made by Wells and seconded by McKay to suspend the rules and give the second and third reading on the resolution Adopting Preliminary Legislation for the Replacement of a Bridge over Lytle Creek in the City of Wilmington Located on US 68 0.26 Mile North of the Southern Intersection with SR 134 and Declaring an Emergency . Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. President Ertel read the resolution by title only.
A motion was made by Wells 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. 2243 passed as read.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have two items. The first is the third and final reading on an ordinance that is closing the loophole on the tax situation for gambling. Are there further discussions?

A motion was made by Jaehnig and seconded by McKay to give the third reading only on the ordinance Amending Codified Ordinance 171.03(a)(1) to Include in the Definition of Income Subject to the Imposition of City Income Tax Pursuant to 171.03 Any Amount Over \$5,000 that is Won by Lottery, Gambling, Sports Winnings or Other Games of Chance.
Motion passed
President Ertel 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 Ord. No. 4970 passed as read.

Councilman Jaehnig: The second item, and I request that we move to the second and third reading, is the change in the transient vendor regulations.

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Rescinding Codified Ordinance Chapter 713 and Adopting New Ordinances in Chapter 713 Regarding Transient Vendors in the City of Wilmington.

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

President of Council declared Ord. No. 4971 passed as read.

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

President Ertel: Okay. Let's move to Safety Committee? Rob?

Safety Committee- Chairperson Rob Jaehnig: We have three items in safety.

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 to Provide Fire and EMS Services to Washington Township (July 1, 2011 – June 30, 2016).

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. President Ertel 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; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Motion passed.

President of Council declared Res. No. 2244 passed as read.

Councilman Jaehnig: The second item is the second and third reading on ordinance authorizing the contract without bidding for the replacement of equipment for the operation of the doors and intercom system for our Police Department.

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Authorizing a Contract Without Bidding for Replacement of Equipment for the Operation of the Doors and Intercom System Within the Secured Facility of the Wilmington City Police Department, and Declaring an Emergency.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. President Ertel 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. 4973 passed as read.

Councilman Jaehnig: The last item I need to ask to have amended first. Some additional trade names for bath salts have been added to the legislation.

A motion was made by Jaehnig and seconded by Mongold to amend the legislation to include additional trade name.

Motion passed.

Legislation amended.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Prohibiting the Manufacture, Possession, Use, Exchange, Sale, Distribution of Synthetic Cathinones (More Commonly Known as "Bath Salts") and Synthetic Cannabinoids (More Commonly Known as K2, K3, Etc.) and Other Synthetic Drugs and Their Derivatives and Substituted Forms and Declaring an Emergency, as Amended.

Motion passed

President Ertel read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Brian Shidaker 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. 4974 passed as read.

Councilman Jaehnig: I would like to thank my fellow council members for assisting us in moving so quickly on that. For clarification, as this is an emergency, is that effective immediately now?

Clerk Laura Curliss: It is.

Councilwoman Mongold: Go for it, Duane.

President Ertel: Very good.

Councilwoman Mongold: And will you make sure the newspaper knows for tomorrow morning?

Councilman Jaehnig: That is all we have today, sir.

President Ertel: Okay. Thank you very much. I would like to thank everyone for coming. Any comments or question?

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 in special session on Tuesday, July 5, 2011, with President Fred Ertel presiding.

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

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

Councilman Jaehnig: Before we get into business, can I ask a question...just because I don't know the answer and I would like to. Why is this a special council meeting instead of a Finance Committee meeting?

Councilwoman Mongold: I can't answer that. I don't know.

Scott Kirchner: Can I offer the thoughts that I have? Once all of the members of council were named to the committee, you have a Committee of the Whole, which is actually the body. Therefore, it has to be a special council meeting because what you vote on here would be considered an action of council.

Mary Kay Vance: Even if it is not formal legislation?

Councilwoman Mongold: We are not passing formal legislation.

Scott Kirchner: The question is, if you vote to do something with it as a whole unit, does that mean it passed...?

Councilwoman Mongold: No, we're just voting to move it to council.

Mary Kay Vance: Because people pass things along and they vote 'no' afterwards.

Councilman McKay: That is correct.

Councilwoman Mongold: We're not making a motion to vote for it; we're making a motion to take it to the council floor.

Scott Kirchner: Has anyone asked the Law Director's legal opinion.

Andrea Tacoronte: Yes.

Scott Kirchner: And what does that opinion say about the action of this committee.

Andrea Tacoronte: We asked, but to my knowledge...

Councilwoman Mongold: We're just presenting it today and either Fred or I will ask for the motion to move it to council floor.

Councilman Jaehnig: I mean, I like the idea of all of us sitting down together with the fiscal issues and working this all out and everything. I was just trying to figure out the logistical aspects of it.

Councilman McKay: I thought it would just be a Finance Meeting with all of the members of Finance here, which happened to include everybody on council, but, obviously, we don't have that answered.

Andrea Tacoronte: I believe it was proposed to the Law Director, and if she was to disagree with it, she had the opportunity. She answered and said that she wasn't sure if she would be able to be here today. But, in what I saw, there was no disagreement with

the ruling that it should be addressed as a special council meeting. So, to my knowledge...

Councilwoman Mongold: Good question

Councilman McKay: Good question.

President of Council – Fred Ertel: Okay, any other comments or questions before we get into it? Auditor's report?

Auditor – Auditor David Hollingsworth: Is there anything as far as supplemental or transfers that you want to get out of the way?

Mary Kay Vance: We put that on agenda in case something came up between now and when the meeting was set. There will be supplemental and transfers for the next meeting but not this meeting.

Finance Committee – Chairperson Sandy Mongold: With that being said, we will schedule another meeting before the next council meeting.

Auditor David Hollingsworth: What I tried to do when I handed this out was try to break down...this is not all-inclusive...this does not include every fund that the City has under its jurisdiction. These are the ones that affect the General Fund the most, either through transfers or in some other fashion. Just to give you an idea of where we are at and some direction, hopefully, from you all on where we want to go from here. We've got the budget that is going to be coming up here shortly. I mean, I guess it's strictly up to this group as a collective group whether you want to address some of the issues now before the end of the year or address them during the budgetary process. I just want to throw out my ideas and my observations of where we are at. The revenues for the City, and I think Marque will concur with this as far as the income tax revenues, are going to be relatively flat. We are probably going to be close to what we budgeted as far as income tax dollars go. I think we budgeted, what \$4.1? We should be, I think, in line with that unless something dramatic would happen between now and the end of the year. But we're through probably the majority of the income tax collections that we are going to be...we're through the income tax season. We still have collections for withholding tax, probably a few business tax returns to be filed yet, but withholding taxes, probably, and estimates are going to be the biggest ones to come in between now and the end of the year. As always, between now and the end of the year, is going to be the biggest drain, probably on the General Fund. So, having said that, what I tried to do is condense down our chart of accounts, so to speak, so that it is not so cumbersome. Hopefully, you can kind of focus in on the big items. It has been said before and it needs to be said again, we're a service business. Eighty-five to eighty-six percent of what we spend goes for employees and benefits. So, if there are any cuts to be made, it is going to have to come in the form of...substantial cuts are going to have to come in the form of people. So, keep that thought in the back of your mind as we go through this. Does anybody have any questions? Assuming that you've had a chance to review this. Anything that pops out before I jump into this? The other thing that I have not factored in here either, now that Kasich...now that the budget has been passed...the full impact of that. I do believe we are going to lose the inheritance tax starting in 2013. We will have it through 2012, but that money will go away. I am not sure of the exact impact, if any, of the reduction to the local state monies, the shared monies, that filter down to us. But, again, that's going to be lost revenue. Anybody have any questions or any comments before I...

President Ertel: We had budgeted that at zero, correct?

Auditor David Hollingsworth: We always do. The inheritance tax, we always do, because we don't know who is going to die or what estates are going to be closed, so we always budget that at zero. If you look at the history on the big spreadsheet, that number has been fairly substantial in the last few years. I think the most we ever collected was around \$250,000, maybe. I am kind of guessing at that number, but I think it was in the mid-two fifties. I think last year we collected around \$140,000. I don't have those exact numbers in front of me. I didn't bring the big long spreadsheet, I brought the individual

sheets. The inheritance tax so far this year, we've collected almost \$122,000 through the end of May. So, starting in 2013, that money will be gone.

Councilman Jaehnig: What is the effect on the funds that we get from the state. The non-estate tax funds...the other funds. Did it pass that those that were \$500,000 were not affected?

Auditor David Hollingsworth: That is what I am not sure of. I mean, I haven't looked at that, so I don't know. I haven't looked at the final bill as it was passed, so I don't know. I was actually at the Ohio Society Annual Meeting and Kasich was the guest speaker at lunchtime. He kind of touched upon it, but it hadn't passed yet. So, I need to look at it. I'm just not sure. That's a possibility that we could receive reduced revenues there. I think we've got two scenarios. We need to take a look, again, either between now and the end of the year or going into the budgetary process for next year, if we are going to make any kind of cuts, we're going to have to take a look at each department, not just certain areas, and see if there is any possible cuts that could be made there. We're talking about a million and two deficit. We're not going to eliminate that by cutting out buying pens and pencils. To make an impact on that, we're going to have to look at each department and what cuts could possibly be made without really diminishing the services to the citizens. The other possibility, and we've touched upon this, everybody says it is the kiss of death during an election year. I honestly don't care; you know how I feel about politics. I hate politics for politics.

Councilman McKay: I do too.

Auditor David Hollingsworth: If we're wanting to maintain the level of service, we may be looking at a combination of cuts and possibly going to the voters for an income tax increase. We've never gone to the voters for an increase in the income tax in the 24 years that I have been City Auditor. You know, with a quarter of a percent increase, it pretty much eliminates the deficit unless we lose some major employers. I am not saying ask for a quarter percent increase, but I am saying that we may want to look at that...at least a partial increase. I know it's not popular with the recession that we've been in and people struggling. At the same time, it's either...at least you put it before the voters. You know, if you take a look at the transfers that are made out of the General Fund, we have \$2,000,000 going to Police, we've got almost another \$1,100,000 going to emergency, ambulance and fire, and that's on the second page of the General Fund. I mean, those are two big services that are funded...and rightfully so, they should be...I mean, income tax dollars should go for those services. If you look at the revenues inside of each one of those funds, a very small portion comes from levies to support those. We do have the contracts with the other townships for the fire, and that produces about a million dollars in revenues. As far as police...that is basically funded out of the General Fund. I am not picking on them. They're just the biggest chunk of what we transfer. We've got \$4.1 million dollars that we collect in Income Tax Revenue and probably half of that goes for emergency-type services. The other thing that could be done is there could be a levy for any one of those specific emergency services, whether it is fire, ambulance, police. Again, let the voters vote on it.

President Ertel: David, just one thing for clarification. The quarter of a percent that you are referring to is a quarter percent increase in income tax across the board.

Auditor David Hollingsworth: That is correct. I just threw out the levy if you wanted to have money earmarked specifically for a particular service, then you could go for that. The thing about the income tax if that is a decision collectively that is made to go forward with something like that, then it is a decision of whether you do it now or you wait until next year. If you wait until next year, I am not sure when it would go into effect if passed. So you are going to have a time lag from the time it is passed until we actually start collecting dollars. I don't have any specifics as far as saying "Cut this. Cut that." I guess we need some direction on what you would like us to look at. This is kind of an overview of where we are at and potential decisions that are going to have to be made.

Councilwoman Mongold: Well, to cut out a \$1,200,000 would almost paralyze the city, wouldn't it? We would have to look at it.

Auditor David Hollingsworth: You'd have to look at what you're cutting.

Councilwoman Mongold: Yes. Cut services.

Councilman McKay: There is one important person who is not here, and that is the mayor. That makes it real difficult to have...

Auditor David Hollingsworth: I went over it with the mayor as far as the content of these reports, so he has these and I have reviewed them with him.

Councilman McKay: Obviously, if we decide to move forward with something more dramatic at this time, it has to encompass everybody's input.

Councilwoman Mongold: Well, what I would suggest would be based on what you said that we work with the numbers and work with the mayor and then at our next meeting come back with more concrete figures.

Auditor David Hollingsworth: I can't tell you specific people or whatever to cut. I don't know that that is my responsibility.

Councilman McKay: I don't think that is what we're...

Auditor David Hollingsworth: But we have to do something...probably sooner.

Councilwoman Mongold: Something has to be done. Right.

Auditor David Hollingsworth: We knew we had enough money in reserve to carry us through this year if we didn't want to do anything. I know it is a tough decision when you're affecting people's lives. But...

Councilwoman Mongold: One way or another it is.

Auditor David Hollingsworth: We're going to have to...

Councilman McKay: I am fully in agreement with you, David, that obviously if we do anything to increase taxes, obviously it has to go to the voters, but I think this whole process needs to be open as much as it can be if we are going to be changing vital services from streets to wastewater to anything, fire and police. I think people need to have input...citizen input.

Councilwoman Mongold: I think that will be part of the discussion. Whether we do that or whether we take a levy or vote to...

Auditor David Hollingsworth: I think the first step is to take a look at each department and see what cuts can be made. My initial reaction is we can't cut a million-two out and not dramatically affect services.

Councilman McKay: But we need to know that. We need to weigh, "What would this look like?"

Auditor David Hollingsworth: We need to look at each department and how, if anything, can be trimmed by department. Maybe it's going to be a combination of things. I am not just saying haphazardly go for an income tax increase and not take a look at making cuts. I think it is going to be a combination.

Councilman Jaehnig: I think until we've looked at everything ...I think we need to look at everything before we take that step.

Councilwoman Mongold: We have to.

Councilman Jaehnig: Two questions. One is, are you stating then that we are on budget for that 1.2 over? Are we over that? Is it going to be worse than that, or is it coming in under, or are we right on the money?

Auditor David Hollingsworth: We've looked at a couple of items. I had Mary Kay take a look at the insurance and it looks like we could possibly be a little bit under, but being self-funded, if something major would happen, I think it could affect that a little bit, but it looks like we could possibly be a little bit under on that number.

Mary Kay Vance: Right. The budget is for, if you recall, when we were in the budget process, we got that worst-case scenario number, which was the only thing we could work with in the budget, and we were still in the negotiations. We came in below that, so there will be some savings in the insurance lines in every department.

Auditor David Hollingsworth: I think Liz assumed we were having 28% across the board increase. That was kind of a worst-case scenario. Then again, understanding that we bid...our insurance goes from roughly April 1 to March 30, so it is on a different fiscal year than what our budget is. As we are going through the budgetary process, we don't know our insurance really is going to be for next year until we get to April of next year.

Councilman Jaehnig: What I am a little confused on, though, is we know what our price is now?

Mary Kay Vance: Right.

Councilman Jaehnig: But with what you are saying, David, we don't know what our cost is.

Mary Kay Vance: We do, unless you have a major occurrence. We have an aggregate and we have insurance that covers, we only have to pay up to \$50,000 or \$55,000 if there is a major health occurrence for an employee. So, we do have...

Councilman Jaehnig: So, if we have somebody comes in with \$150,000 bill, then our costs would then go up.

Mary Kay Vance: Well, we'll have to cover it up to a certain point. Then, the other aggregate insurance kicks in.

Councilman Jaehnig: So, we're covering the first \$55,000. Is that what I am hearing?

Mary Kay Vance: I think so. Danny Mongold is the authority on this one...not me.

Auditor David Hollingsworth: I think the budgeted number is going to be a little higher than probably what our actual experience is going to be.

Councilman Jaehnig: What is a little?

Auditor David Hollingsworth: I don't know. I'll know at the end of the year.

Councilman Jaehnig: I mean, is it \$500 or is it...

Auditor David Hollingsworth: I have no clue.

Councilwoman Mongold: It all depends on occurrences.

Councilman Jaehnig: I understand that, but I assume we would know...

Auditor David Hollingsworth: We budgeted a 28% increase...

Councilman Jaehnig: And what did it come back as, an increase....

Mary Kay Vance: I can't tell you that number. I would have to find out.

Councilman Jaehnig: I would like to know what actually came back.

Auditor David Hollingsworth: I think salaries are pretty well aligned. Again, those are the big numbers...you're talking about 85% of the budget.

Councilman Jaehnig: The other question I had...you stated at the beginning...this is not all of the funds. What are we missing? What is not on there?

Auditor David Hollingsworth: I can't tell you off of the top of my head. None of the enterprise funds are in here.

Councilman Jaehnig: That I assumed.

Auditor David Hollingsworth: Case in point, we have an indigent...we have several funds over the Municipal Court that are funded by fines that are earmarked for those funds, so those are not included. I did include the bond funds, but those are kind of ins and outs. You've got probably 95% of the...

Councilman McKay: That's what I was going to say.

Councilman Jaehnig: For instance, we have an Economic Development Fund, don't we?

Mary Kay Vance: Yes. But, there is no revenue stream to that.

Councilman Jaehnig: But we have money in that account, correct?

Mary Kay Vance: But it is to be used specifically for...you can't take it and use it for salaries or for the General Fund.

Councilman Jaehnig: I understand that, but if we are paying for certain things right now that are economic development related and we are not using it out of that economic development fund, then it does affect the General Fund. i.e. Regional Planning. If Regional Planning, if they are representing the City in economic development, which they are, then we could pay the Regional Planning funds out of that Economic Development Fund while there is still. I understand that there is no revenue going in it, but there are funds there that have been sitting there.

Auditor David Hollingsworth: I don't know about the fund balance, but if there's money being paid out of the general fund, it is going to be in there.

Councilman Jaehnig: Right. What I am saying is we're paying Regional Planning right now out of the General Fund, but they are doing economic development work for us. They are our representative for economic development, yet we are not paying them out of the economic development fund. Hence, it affects General Fund. Am I wrong in my assumptions?

Auditor David Hollingsworth: How much are we talking?

Councilman Jaehnig: How much are we paying Regional Planning? It's by citizen.

Mary Kay Vance: It's less than \$15,000.

Andrea Tacoronte: It's 11,000 to 12,000.

Councilman Jaehnig: Okay, so if we have \$100,000 in economic development, there are ten years we don't have to pay out of the General Fund.

Mary Kay Vance: We have to go back to when we set up the funds, we identified it as a specific purpose. We would have to go back and research and make sure our, the city's,

obligation to Regional Planning qualifies to be paid out of the Economic Development fund.

Councilman Jaehnig: I'm just saying, if there is a fund like that...

Mary Kay Vance: At this point in time, that has never been paid from there, it has always been paid from the General Fund, so David would not have included it because it is not...

Councilman Jaehnig: My only point is, if there is that, are there others that might fall into that type of situation.

Mary Kay Vance: Not many.

Auditor David Hollingsworth: No. The expenditure side is going to be in there if it comes out of the General Fund, but no, you don't have any other funds that are sitting out there with big cash balances that...

Councilman Jaehnig: You're telling me. I don't know because I haven't seen them all. That is why I was asking about the other funds.

Auditor David Hollingsworth: You get a report every month that shows the cash balances. The Auditor-Treasurer's report will show every cash balance by fund. How much is in there? Is the Economic Development Fund on there?

[Discussion of location of Economic Development Fund location on spreadsheet]

Councilwoman Mongold: There is \$219, 000, \$220,000.

Mary Kay Vance: Some of that is pledged for...that's what I mean, you have to go back and look at what that has been pledged for...some of it was pledged toward the Port Authority. That money was pledged to assist the Port Authority. Specifically in this account, there may be some other strings attached.

Councilman Jaehnig: Well, that's entirely possible.

Mary Kay Vance: It is not outside the realm of possibility that you could use this to pay this \$12,000. Absolutely.

Auditor David Hollingsworth: What I included in these worksheets were beginning and ending cash balances so you can see if any of these funds actually have a big cash reserve in them, and they don't. Where we wouldn't have to transfer quite as much money out of the General Fund to cover their costs.

Councilwoman Mongold: I thought this was an excellent report.

Auditor David Hollingsworth: Well, it's a lot to try to consume. I tried to condense it down, but I guess from here somebody needs to be given the directive to take a look at departments and where we can possibly cut. Again, we can't go through next year. We could, but we don't want to, because we're going to be down to where we have earmarked our cash reserve to be...where we want to maintain it going forward. I don't think we really want to eat into that.

President Ertel: I think an excellent idea would be to have the council committees in concert with the administration take a look at each budget prior to the budgeting process to see if we can skinny some things down to take care of the 1.2 deficit and set ourselves up to a very good budgeting process. We already know...we will already be educated on where we're at, where we're going, who the players and so on and so forth. Does that make sense?

Councilwoman Mongold: They start that process next month, don't they?

Mary Kay Vance: You want them to take a look at the existing budget.

President Ertel: That is correct.

Mary Kay Vance: Not the new budget requests, because those will start in September.

President Ertel: That is correct. Our current budget and our current performance looked at through two eyes...our council committees and through the administration and the departments themselves.

Councilman McKay: I think what I am hearing is, and this is the best time to do this, of course, is early, is this committee and therefore this council has to arrive at a philosophy of do we want to eliminate this 1.2. Do we want to eliminate as much of it as possible or for some reason do we not want to try to do that at this time?

President Ertel: No. My personal opinion is to take a look at it and see what we can do with it right now, because there is no need for us to wait six months, two months, two days later and find out that we could have helped ourselves right now.

Councilman Jaehnig: Right. In the past few years, a budget came in, but by the end of the year we had cut the departments...the administration had cut the budget overflow by nearly 50% those first two years. We're not going to come close to that this year. So, I think we're halfway through the year. It's like, "okay." I agree with you, Fred. I don't think we can wait six more months to make a determination for next year.

President Ertel: That will get us online for being able to come up with a good budgetary process, plus if there is any low-hanging fruit, which is probably gone, but there may be some sitting out there. Two, it will allow us to, there could very well be some monies out there. There could be some dollars and cents out there in these departments.

Councilwoman Mongold: I think that has been the plan. The discussion.

Councilman McKay: It gives us plenty of time to get citizen input too.

President Ertel: Sure it does. So, let's start the process.

Auditor David Hollingsworth: This is kind of the same discussion I had with the mayor when I met with him and went over this as far as needing some direction on where we want to go from here and take a hard look at each department and what we can do. We're not on an island by ourselves. Every municipality in Ohio is going through this.

Councilwoman Mongold: We have been fortunate.

Councilman Wallace: With the calendar in mind, let's say, the final resolve we have to put this in front of the public. If we're thinking about next year's budget, then that looks to me to be a November election type thing. If you think about how long it takes to get something like this on the ballot, plus going through public opinion sessions, more than one probably, it seems like we need to get a pretty rigorous schedule in front of us to be able to do that. Here we are sitting in July already.

Councilwoman Mongold: We probably, if we're going to go to the ballot with any issue, it would probably have to be August to be finalized. Probably that August 3 date if I'm right.

[Discussion of deadlines of November ballot]

Councilman Jaehnig: There is no way we can do proper justice to this and make a decision to put something before the voters by August 3. There is no way in the world.

President Ertel: Yes. That would be an injustice to us and to the voters.

Councilman Jaehnig: March would be the soonest.

Councilman Wallace: Even with March, look at the date to get on in March, April or May. We still would have a fairly rigorous schedule in front of us to do what we want to do and get the public involved and go through that process. We are looking at two, three or four months here.

President Ertel: It may be one of the outcomes of our budgeting process at the end of the year that there is no way to get from here to there without that...without putting something in front of the voters. I agree with Rob that it is a little short to try to get something in August. I think we would be doing an injustice and I think we need not to think about that at this point.

Councilman Jaehnig: We really need to know what we're talking about when we start talking to the public.

Councilwoman Mongold: We need to have all of the figures in front of us to know which direction.

Auditor David Hollingsworth: I think the logical step, then, is to take a look at each department.

Councilman Jaehnig: I would make a motion that we request that every committee sets up a meeting in the month of July to start that process.

Councilwoman Mongold: Wouldn't proper protocol be to go back to the mayor since he is...

President Ertel: Not necessarily. We can have two groups going down the same path at the same time. I don't see why they are mutually exclusive.

Councilman Jaehnig: If we are just asking to meet and say "We're going to start looking at things and we would like to have this discussion sooner rather than later."

President Ertel: I don't think we would be stepping on an administration toes at that point, in my personal opinion.

Councilman Jaehnig: We need them to educate us to be able to...

President Ertel: We need to work together. That's the key.

Auditor David Hollingsworth: I think that is the logical first approach. If it looks like that cuts that have to be made are really going to dramatically affect services, I think then you make that known to the public. That is the education process I think of to the public. If consideration is given to an income tax increase would go on the budget.

Scott Kirchner: Sandy, I don't think that the move to set up those meetings excludes the administration either. You can invite the mayor at the same time. Budgetary review, control and approval is council's area of responsibility, so I don't think you're stepping on any toes necessarily, as long as you include the mayor in the scheduling.

President Ertel: So we have a motion?

Councilman McKay: Can you restate that?

A motion was made by Jaehnig and seconded by McKay to ask each of the Council Committees to set up meetings beginning in the month of July with City Department heads for the purpose of reviewing the 2011 budget and to discuss methods of improvement.

Motion carried.

Marque Jones: I presented to the Finance Committee and I wanted to know if you still feel that way. We talked about eliminating sending tax returns.

President Ertel: You mean go electronic?

Marque Jones: As much as possible.

Auditor David Hollingsworth: We wanted to go electronic, but that cost was...

Marque Jones: Too high for us. For folks to come online and e-file, we can't do that. More or less, other cities do it in order to cut. Incidentals and things like that are nothing compared to other departments. That would remove maybe around \$4500 or \$5000. The last time we talked about it, you said, "We better think about it a little bit more." The response that we are getting right now to sending the returns; we had nearly 1600 did not file. If we don't send them one...

Councilwoman Mongold: Are we going to up that figure?

Marque Jones: It was just a question. That is kind of the way I was thinking of just a way I could cut. That's the biggest thing now, other than on the salary side.

Councilwoman Mongold: But we would have to make sure we had some type of educational program to get the message out there that they understood because we don't want to double that 1600 figure. I think it's a great idea to look into.

Marque Jones: I'll keep looking into it.

Councilwoman Mongold: Yes.

Auditor David Hollingsworth: Does anyone else have anything they would like to look into. This is just what I thought would be easiest for anyone to be able to consume the information and see where we are coming from.

Councilman Jaehnig: I appreciate that.

Councilman McKay: You're the guy we go to for this type of information and I think you're doing a great job.

Councilman Jaehnig: Marque, I have a question. Did we find out the effective date of that gambling tax?

Marque Jones: It was 30 days from the day it was approved by council. I have it downstairs posted on the wall.

Andrea Tacoronte: It passed on June 20, correct?

Councilman Jaehnig: So on our tax forms, it will be any revenues after this date? Is that how it will read?

President Ertel: And the only way you will know that this occurs is through a 1099, correct?

Marque Jones: W-2 G.

President Ertel: W-2 G? Never having won, I don't know...

[Banter regarding gambling]

Scott Kirchner: So does that automatically get sent to the municipality?

Auditor David Hollingsworth: No. You'll have to request a copy from the taxpayer.

Councilman Jaehnig: The gambling boats are the easy one, it's the lottery winnings.

Marque Jones: No. It's the lottery that's the easy one because you get that information from the state. The gambling boats will be the problem because we don't ask for the 1040. It's always on the front of the 1040 where you receive the gambling winnings.

Auditor David Hollingsworth: If you do end up sending out the tax forms, you may want to include on there like you request the copy of the W-2, request the copy of the W-2 G.

President Ertel: Okay, are there any more questions on the Auditor's side of it? Finance Committee, Sandy?

Councilwoman Mongold: We have nothing else to report.

City Treasurer Paul Fear: I have a report. This is for the Finance Committee. We just went through to show the Finance Committee where our deposits are for your information purposes. These are all the funds rolled together and where we have the funds invested. These are all the funds. We have the money in National Bank & Trust and PNC. We used to have a lot of CD's, Certificates of Deposits, with Fifth Third when they were looking for funds a few years ago. Right now, the certificates of deposit are primarily split between National Bank & Trust & PNC. This Super Now Account is the money that is swept each night and day into our accounts that we need for operating expenses. The non-invested fund is the money that we have there that we have to keep in compensating balances. What our goals have been over the last couple of years through the treasurer is to reduce what is required in the non-investable funds because they use to be higher because of the deposits that run through. The largest group of deposits naturally is the water because we get the checks and everything from the people that it flows through on a regular basis. That is just giving you an idea of where our monies are right now from the treasurer side.

Councilman Jaehnig: You mean the utilities as a whole? The water and sewer and landfill?

Paul Fear: Yes. I just showed you the percentage of the portfolio there also. FYI, as everyone knows, deposit rates are considerably down. The money that is in the savings accounts are probably going to be earning us 0.20% or 0.225%. The money that is in the certificates of deposit vary anywhere from 0.25 to 0.52 of one percent. The original budget was to hit \$30,000 in interest. Right now we are at about \$6000. Because back when we were doing the budget, the interest rates were still around 0.40% and 0.50% but now they are down around 0.20% and 0.225%. I just wanted to give you an idea of deposit-wise where the money is.

President Ertel: Any thought of putting up a bond ladder.

Paul Fear: All of the CDs over the last couple of years we had laddered all of them, so we had anywhere from 250 to 500 coming due every payday. Marque and I have met over the last couple of months with people from different investment groups. Just to give you an idea, we met with Fifth Third, we met with National Bank & Trust, we met with PNC, their investment department. We met with a private bond fund guy and we met with guys from Morgan Stanley. They're all familiar with our investment policy. They all have given us a presentation on what we can do to try to stretch this stuff out. For example, if we have core deposit, and Dave and I just kind of briefly threw out a core number, let's say we have \$4 million as a core that we can invest. This isn't from the general operating fund, this is just from everything that we have available. Using that number, we have presented to the investment groups what they could do for us. That money would not be money that we need to operate on. Our investment policy says that we can invest up to five years. We're telling them let's see what we can look at with no more than two years in the thing. Some of them are Fannies and Freddie's and Federal Home Loan Bank and some of those other ones that might be longer but they might have callable dates. We have been playing with a lot of that information that we are getting from them. What we need to do, Dave, Mary Kay and Marque and I are sitting down and looking at what is possible. We can get over 1% if we want to do a two-year. It may have a callable date of a year that could increase our interest. That is something that we have been looking at. I think it is a decent idea to get some. I know everybody but this

private guy is free. They get their money from their front end where they create the [inaudible for transcription]. Morgan Stanley might have billions of dollars out there that they have and then they match you up with their own personal individual account that we need. Whereas, if we are looking at a PNC or National Bank & Trust, they are going to say, "Hey, we've got a million dollars, we're going to go ahead and invest it in a two-year bond," and they will get their money out of that and get a little bit of a spread or cut to us. The Morgan Stanley people are looking at real thin margins because they deal with it nationally, whereas some of the banks are going to get maybe ten basis points, and they may be looking at two to six basis points. That is something that we're trying to do to increase our interest yield because our policy talks about safety and liquidity and yield. That's just information for you. There is where the money is. It's not bringing us big bucks now, but hopefully it won't bog you down necessarily because of your budget issues, but maybe in the back door through Dave and Mary Kay and Marque and I, we can put something together for you in the next 60 days or so to take a look.

Marque Jones: Paul and I talked and, like I've told him, there are a lot of people out there who think when you start talking 1.2 deficit that we're completely broke. The City does not have that money. That is not the way it is. The General Fund is crunched. There is no doubt about that, but when you look at this sheet, that \$1.2 where it says non-investible funds, there was a time at National Bank where we paid zero to pay for the checks, the deposits and transfers and all that stuff. Times change. Their requirement was we got it down to 1.2, so that is money that was invested that is not invested. That is just so we don't get a bill every month. Looking at it, it's almost 10 million dollars. We don't want to get people out there panicked and say we don't, when really we have 9.8 million.

President Ertel: That's Gary's job.

Marque Jones: To let them know.

Paul Fear: In the General Fund, what is there, \$3.6 or \$3.7 is still there that is available.

President Ertel: Yes we do. That was one of the issues that the county ran into when they talked about their \$88,000. It was on one day, but the next day it was a much bigger number. We don't want the thought to get out to the public that we're out of money and we're in a deficit of \$.2. We're not. We want to keep it from happening.

Mary Kay: We can't be in a deficit. We have carryover that is part of that calculation. We just don't want to be in a position to have more expenses than revenues, but we have a balanced budget.

Paul Fear: We'll have this available for the council meeting on the 21st when the tax report is issued also. It will be available to the public then.

President Ertel 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 Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, July 7, 2011, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Wallace, present; Mead, present; Mongold, present; McKay, present. Vacant seat in the 2nd Ward.

Assistant Chief Duane 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, June 16, as received.

Motion passed.

Minutes approved as received.

A motion was made by Wells and seconded by Mead to approve the minutes of the last special meeting, June 20, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this time, we would like to invite Judge Carey and Loren Stuckert for the swearing in ceremony.

Judge Carey swore in Loren Stuckert, Councilmember, 2nd Ward.

[Applause]

President Ertel: Very good. Welcome, Loren. At this time I would like to call upon Ms. Cindy Peterson for a little celebration of your recognition.

Mayor Raizk: This is kind of bittersweet for me and for all of us and for the whole City, really. Cindy Peterson has done an outstanding job representing the city in the 2nd Ward. She has always been open. She has been forceful. She has been really an outstanding councilmember. She has listened to everybody. She has worked with everyone. All of her constituents...she never turned a deaf ear. Cindy, we want to recognize your service to council. I have a plaque for you.

*In appreciation to Cindy Peterson, Councilmember 2nd Ward.
For Loyal and Dedicated Service to the
Wilmington City Council and the City of Wilmington.
Her term of service January 1, 2004, to June 20, 2011.*

Thank you.

[Applause]

Mayor Raizk: You never got to look at this very much because it was always facing the other direction, so we want to give you your name badge from your council days. That is for you as well.

Cindy Peterson: Thank you so much.

[Applause]

President Ertel: Cindy, thank you so much for your service. We appreciate it. Moving into additional business, I would like to have the 2nd public hearing on the 2011-2012 CDBG programs rescheduled to July 21 at 7:30 in the City Council Chambers, 69 N. South Street, Wilmington, OH. Also, a notice of public hearing on a request for rezoning, which will be on August 18 at 7:30 in the Council Chambers here at 69 N. South Street, Wilmington, Ohio concerning the rezoning of 281.312 acres of land

located on S.R. 134 and Davids Drive from R-1 Single-Family Residential and R-3 Multi-Family Residential to I-1 Industrial, the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver RLT, dated 3.12.97 and Kirby L. Tolliver, Trustee of the Kirby L. Tolliver RLT, dated 3.12.97. A plat map of which said property is available for viewing in the Office of the Director of Public Service, 69 N. South Street, Wilmington, OH 45177. You are all certainly invited to that. I do have accompanying that, a letter from the Wilmington Planning Commission recommending to council for the approval of the rezoning. They voted unanimously for that.

President Ertel: At this time, I would like to recognize the Community Fellow Presentation. If they would come forward please.

Lori Williams: My name is Lori Williams and I am directing the Clinton Community Fellow Program, of which these ladies are the second year fellows. I will give them a chance to introduce themselves. I do want to just publically thank, though, the people who have been supportive of this. The Chamber, obviously, we are sharing space with them. Chris Schock and the Regional Planning Commission have played a major role. Leadership Clinton as well has helped. We are thankful also to the businesses that have funded their stipends. Also, there were some individuals that were involved in their support as well. I would like for them to introduce themselves and then speak a little bit about their experience and who their partners are. They have business partners and not-for-profit partners. Hopefully, you will find that interesting.

Amanda Satchwell: I am Amanda Satchwell. I grew up here. My business partners are with South Street Gallery, John Schum. We are celebrating our one-year opening anniversary. With that, we are trying to bring in more students. We are rethinking marketing strategies and also just trying to market to a broader region. I am also working with the South Street Coffee House, the brand new coffee house that just opened up. Again, I am working with marketing, social media outlets and just sort of establishing a great business and doing some research for him that way. I'm also working with non-profit groups. I am working with the Murphy Theatre. We're working on establishing a ticketing system where they can better keep track of memberships and better harness memberships and implement an on-line ticketing system. We are also working on event planning. I'm also working at Community Care Hospice, which is a non-profit. I will working with marketing strategies and establishing themselves as a community presence like they already are. As for me, I am at school at Miami University of Ohio. I am studying history and English. Although I am not a marketing major, I may be one day.

Dessie Buchanan: I am excited to continue my work in the community through the Clinton Community Fellows Program. My business partners are Cape May Retirement Village where I am working with a senior leadership project – developing that through the fall through the Will program. I am also working with Kim's Classic Diner in Sabina who is under recent new ownership. I am helping them do some event planning and marketing, really kind of re-introducing the diner to the community and throughout Clinton County. We have some really great car cruise-ins and car shows coming up. My non profits are Leadership Clinton. I am working to help promote their Dinner in the Fields Event, which happens in August. I am also continuing my role as one of the Executive Directors with the Clinton County Farmer's Market. Also in the Fellows and personal realm, I am continuing to work with several great community partnerships through the Clinton Fresh network. Those include the County Commissioners, the Regional Planning Commission, CIFT and Wilmington College.

Kelsey Swindler: My name is Kelsey Swindler and I'm a senior English major at Wittenberg University in Springfield, Ohio. This is my second summer with the Clinton Community Fellow Program. It has been a wonderful summer already and a great experience and I am excited to continue working on different projects with local businesses and nonprofits. This year I am working with Orange Frazer Press for a second summer and working with them on Social media, particularly with their Custom Book Publishing and working on helping to pitch them to a more national market and working as well with The Patterry, helping them with event creation support, customer surveying and social media. I'm also for my nonprofit matches working with Clinton County Open Lands, helping them with social media but also with farm monitoring, farm monitoring

reporting and those kinds of things, and then as well with the Peace Resource Center at Wilmington College, helping them publicize a book that they have recently published.

[Applause]

President Ertel: Also, too, Lori, thank you for all of your hard work. This is wonderful. This completes my portion of it. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any official business tonight other than we already recognized Cindy. Again, Cindy, thank you for all your hard work and service. I think the Community Fellows Program is one of the most outstanding things that we have in the community – bringing our young people back to be able to share their expertise and launch them as they are getting their education but being able to do the hands on and do it right here in their community. I think it is just outstanding. I hope it continues for a very, very long time. I do need to say, since our last meeting, Wilmington lost what I consider a great servant. Bob Babb passed away. Bob, was not only a member of this community and did business in this community, but he had a long service to the citizens of Wilmington at the Wilmington Fire Department. I don't think anyone has spent that much time and devoted that much effort. He was given a heroes funeral. He so richly deserved it. Our thoughts go out to his family, his son Tom and his other son. I went to school with Tom. We grew up together two streets apart. We were in the same class for many, many years. I knew Bob very, very well. Wilmington lost a great citizen and I just wanted to make mention of that. He will always have that fire uniform on as far as I'm concerned. I just want to say how much we are going to miss him. Thank you. That is all I have, Mr. President.

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

Asset, Acquisition and Use –Chairperson Sandy Mongold: I have nothing to report, Mr. President.

President Ertel: Thank you. No Auditor.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We do not have any legislation tonight. We did have a Finance meeting this week and we are going to start the process of the budget review for 2012. You do have a list of dates in front of you for schedule for the various departments to start meeting.

President Ertel: We want to get a jump on it this year. This will give an excellent opportunity for the committees of council to work directly with the departments in the City to see where the budget should start and where it goes. Are there any monies we can possibly wring from the budget of 2011 and position ourselves for 2012? That is the purpose. Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson 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: Okay. 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.

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 report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report.

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

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

President Ertel: Thank you. Safety Director?

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

Reports:

A motion was made by Mongold and seconded by Jaehnig to approve the Income Tax Report – June 2011, as received.

Motion passed.

Reports accepted as received.

President Ertel: I would call your attention to, with the inclusion of Loren Stuckert, now as councilperson, these are how the council committees are laid out. They are in yellow. Don Wells has graciously volunteered to move to Chairman of the Streets Committee and then Loren will then become a member. Everyone has this and now we know exactly what the committees will look like.

Councilman Wells: I would like to say something, Mr. President. That fax number on there, I no longer have that, so you can scratch that out.

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 would like to address the zoning, one of my favorite hobby horses. In my opinion, all of these statements are... The sign portion of the zoning code is not being enforced by the enforcement office due to one or all of the following reasons: (1) The code is not legally enforceable. That's part of the problem that has been brought up. (2) The enforcement officer declines or arbitrarily chooses not to enforce the code as written. (3) The enforcement officer is not allowed to enforce the code. Having said that, it is my opinion, law that is not enforced reveals a lack of concern by the lawmakers and worse, degrades respect for all laws. If you have laws and people ignore them without punishment, then they have no respect for the laws. A very similar situation exists with the yard and garage sales. For what it is worth, I would respectfully suggest that all sign and yard sale law be repealed. Then, if council deems the effort worthy, rewrite the entire chapters on signs and yard sales in a manner that is more fair and more easily enforced. The important point of this is we have a two-tier thing. We have law-abiding citizens paying their permit fees, going to Board of Zoning Appeals to get variances on various codes. Then we have another group that ignores the law freely.

Repealing it is better than leaving it as it is, a dual system of enforcement. People doing the right thing and wasting their money and looking across the street and seeing other people who are not doing that. In the last picture that is going around, we did something

right in this case. After ten years of pushing and pulling on the yard over in my neighborhood. Everyone worked together and we got that job done. You look at that picture and you see a huge improvement. I want that picture back, by the way.

[Laughter]

Paul Hunter: That's a culmination of ten years of effort. So, the code is enforceable, at least in this case. It amazes me, and I'm not in the inner sanctum, but why it would take ten years of tugging and pulling to get that done, but in the end it got done. The code, at least for this part of the code enforcement, is enforceable and does not need to be redone. That is the building maintenance code. Thank you.

President Ertel: Thank you very much, 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 Street. I want to take this opportunity first to congratulate Loren Stuckert, Councilman Loren Stuckert, on stepping up into public service and welcome to council. It is good to see citizens step up. I also want to say, as a City Councilman from 2005 through 2007, I had the opportunity to serve with Councilwoman Peterson. I just wanted to say, on the record, that it was an honor to serve with her and I feel that she served this City as a whole and her ward extremely well, setting a high bar for all of us that have been in public service or are in public service. She definitely believed in connecting with her entire community. I was very impressed and honored to have served with Cindy. I just wanted to say that on the record.

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 Wells and seconded by Mongold to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Monday, July 18, 2011, at 8:30 a.m. with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Duane Weyand was also present.

President Pro Tem Mongold: The first item on the agenda is the Auditor.

Auditor – Auditor David Hollingsworth: A couple of things. I'm going to hand out our most recent audit report. This is after Clark, Schaefer, Hackett. I'm not going to go through it. You can go through it on your own.

[Banter while handing out report]

Auditor David Hollingsworth: Basically, we got a clean opinion, which we have every year. The only thing, they do have various management items listed in the management report. The only thing of any substance mentioned this year that I will point out. Since we went to self-insurance on our health insurance a couple of years ago, we were supposed to have had an actuary come in and estimate what our liability was at the end of the year, which we had not done. So, that was, in essence, a finding. Nothing of material substance changed their unqualified opinion or our clean opinion on the audit report. I just wanted you guys to know that. We have since corrected that issue. It was just something that kind of slipped through the cracks. We're going to bring it to Clark Schaefer's attention next year because they actually do our gap conversion. I feel like that they should have caught it when they did the gap conversion before they actually came in and did the audit. The bottom line is it is my responsibility, so we have corrected the problem and we will just move forward. This just contains all of our funds. What you get on a monthly basis as far as the Auditor-Treasurer report probably makes more sense than looking at this document. Not that this is not important, but we are required for our external reporting to report on a full accrual basis. What you get on a monthly basis is a cash basis, which I think makes more sense to just about everybody. This is full of all kinds of accruals, our debt obligations, extensive footnote disclosures that are required. So, just look at it at your leisure. If you have questions, please ask me. I will be more than happy to answer any questions you might have, but it is just too large to try to go through and try to hit page by page. I wanted to mention that issue. One other item that I have, and I don't know whether... We've got an issue and we've had an issue with the hotel lodging tax with one particular business in town. We have been able to get their information, calculate what the tax is that is due. They have countered with a proposal to us on what they would like to pay, which is less than what they owe by about \$4000. We had actually calculated, under the terms of the hotel lodging tax, we have a right on any delinquent accounts to assess a penalty and interest. I went ahead and calculated what the interest would be and in essence was willing to forgive the penalty if they are willing to pay and pay the interest. But, they have countered. I guess I'm looking for some direction. I don't know whether you want me to make that decision or if that needs to be a decision made by...

Law Director Kathryn Hapner: It is also important information that we have a judgment from the court for the full amount.

Mayor Raizk: That includes the interest. In other words, David's amount.

Law Director Kathryn Hapner: Yeah.

Councilman McKay: How much is the full amount?

Auditor David Hollingsworth: The full amount is sixteen thousand?

Mary Kay Vance: No. \$14,000, almost \$15,000.

[Simultaneous discussion regarding the amount]

Councilman McKay: Do they want about a third or a little bit more than a third forgiven? Is that what it is?

Councilman Jaehnig: Or do they want to pay the actual tax and no interest?

Auditor David Hollingsworth: They don't even want to pay the full amount of the actual tax.

Councilman Jaehnig: The only problem that I have is the fact that they actually charged those staying there that tax. So, it's not like someone who got paid and is behind on their taxes or something of that nature...that's a different thing. But, when you've actually collected the money from people staying in the room and taken that tax...

President Pro Tem Mongold: It's like a payroll tax. It's the same thing.

Councilman Jaehnig: It would be like the City taking out payroll tax and then not paying the tax.

Kathryn Hapner: If you don't collect it all from them, particularly when you have a judgment against them, then what happens when the General Denver or Holiday Inn or somebody says, "Well, you didn't make Wilmington Inn pay their full amount. Why should we have to pay ours?" I think it sets a really bad precedent.

Mayor Raizk: I think any negotiation has to be strictly on the interest or the penalties. I don't think you can forgive a penny of the actual tax.

Auditor David Hollingsworth: I agree.

Mayor Raizk: I you say, "Okay, you have to pay the tax in full." The interest – you weren't counting on the interest anyway. I don't think you can negotiate below the amount of the tax. If they'll ante up the other money now and not phase it in, pay it up front, then forgive the interest but get all the tax money. That's an estimate, is it not, or is that real?

Auditor David Hollingsworth: That's real.

Mayor Raizk: The tax money is real.

Councilman Jaehnig: I know they were putting you off for a long time.

Mary Kay Vance: They finally filed with us every quarterly return, albeit we are assuming they are correct without having gone in and physically auditing them. They filed it so we could come up with the number that they owe us. And David came up with a payment schedule for them. Then we said, "We believe that the citizens are entitled to the interest at least on that." Then they countered with... I mean, it was like being at an auction.

Auditor David Hollingsworth: They have had use of our money. I think the interest is not unreasonable.

Councilman Jaehnig: In my opinion, if they want to pay all of the tax, without the interest, all in one lump sum and get current immediately, then fine. Otherwise, I think they pay it all. If we are going to give them payments on top of it...they have had the money for...

Kathryn Hapner: Two years? Three years? I mean it's been.

Mary Kay Vance: The fourth quarter of 2009.

Councilman Jaehnig: If they're not going to pay it in full, then I think they owe it all. That's my opinion.

President Pro Tem Mongold: I think they should pay all of the tax immediately. I am not real keen on forgiving all of the interest. Maybe a portion of it.

Auditor David Hollingsworth: It's less than \$2000, the interest.

President Pro Tem Mongold: It's the principle, I guess.

Mary Kay Vance: \$1400.

Mayor Raizk: Well, the other part of it is, if they pass all of the tax immediately, then they could make payments on the interest.

President Pro Tem Mongold: My vote would be at least to get all of the tax. I will put the rest in your hands and whatever you feel is the right decision.

Auditor David Hollingsworth: Do we need any action to give me that...

Mayor Raizk: What do you think? I think it rests in you, David.

Kathryn Hapner: It's within your discretion. The other thing to remind them of is that there are also criminal penalties for not paying. I mean, it is theft. They have stolen money that they have received and not turned it over.

Councilman Jaehnig: Instead of seeing Mary Kay, they could see Duane.

Assistant Chief Duane Weyand: I have friends with the State's Auditor's office that investigate.

Auditor David Hollingsworth: That is all I have.

President Pro Tem Mongold: It can't happen again.

Auditor David Hollingsworth: They actually made their current quarterly payment.

Mary Kay Vance: We have money out of them.

President Pro Tem Mongold: Does it appear that it is pretty consistent with the years they were filing, what they are saying they owe now?

Mary Kay Vance: Yes.

President Pro Tem Mongold: Is that all you have, David?

Auditor David Hollingsworth: Yes.

President Pro Tem Mongold: Mary Kay, do you want to discuss the supplemental appropriations.

Finance Committee - Mary Kay Vance: I have a question, Kathryn. We need to create a new fund. It is not listed on this agenda. Can I still discuss it.

Kathryn Hapner: Yes. As long as we don't take any official action as far as...

Mary Kay Vance: I am going to ask finance to send it to council for Thursday night. So, can we discuss it if it is not on the agenda for this special meeting.

Kathryn Hapner: Yes. You can discuss things that are related to finance, because that is the purpose of the meeting.

Mary Kay Vance: So, I'm not tied immediately to that.

Kathryn Hapner: You just can't do legislation unless legislation is on the agenda.

President Pro Tem Mongold: I think we need to have a discussion on whether this is a special meeting or a committee meeting.

Kathryn Hapner: Unfortunately, because it is a committee of the whole, it is a special council meeting. I told Fred, "It's up to you because you're the president." But this is not the way I would have done it, because it makes a real nightmare for Andrea or whoever is doing the minutes. If it had been up to me, I would have simply left it as the Finance Committee members, whoever the three or four of you are.

President Pro Tem Mongold: Seven now.

Kathryn Hapner: I know, but whoever they were originally.

President Pro Tem Mongold: I see what you are saying.

Kathryn Hapner: Then as president of council, I would have said, "But I want all of the council members to attend, the non-committee members, in their private capacity. So that they are attending as citizens as opposed to council members. Because, that keeps it a committee meeting and not a special council meeting. Because you still meet in your committee. You don't pass legislation. You are still just forwarding on to council for the regular council meetings on Thursday nights.

Councilman McKay: Because you have a less than a quorum. That's the reason.

Kathryn Hapner: Right. And that is all you are doing at these meetings too. You are still not passing anything as far as legislation wise. You're still just forwarding it on to the regular council meeting. So, you're not doing anything different except by making it a committee of the whole and the statute says when the whole council is there, it is a special meeting as opposed to a committee meeting. I gave my opinion on that. My advice was not taken, so here we are.

Mayor Raizk: I think everyone in this office concurs with that opinion.

President Pro Tem Mongold: So it would be in Fred's hands.

Kathryn Hapner: Because he appoints the committees and if he appoints all of the council members to the committee, then that's what happens.

Councilman McKay: I'm sure that was not his intent, but that is the way it turned out.

Kathryn Hapner: Right. He and I spoke about that.

President Pro Tem Mongold: So, we will talk about the fund you want to create.

Mary Kay Vance: Okay. Everybody has the list that I handed out for finance. The first item is to create a new fund. How long ago was it, a year or so ago, that we The City went to... I don't know what the procedure was. The mayor's office made application for a line item request through on the state budget through the Ohio Department of Natural Resources.

Mayor Raizk: Essentially, we looked at Sugartree Corridor with two separate sources of funding. One was TE funds, who are through the Ohio Department of Transportation, and also the Ohio Department of Resources. We were able to secure funding because it became a line item. I think some of this was actually stimulus money in effect that got to the state that gave them extra budget. A little over a year ago, it's been almost two years ago now, we applied for it. We have received the grant. It is about \$281,000.

Mary Kay Vance: It's \$284,000 and they get to keep a little piece.

Mayor Raizk: They always get their little administration fee off the top. Direct deductions as it were. Anyway, we have that. We need to create a new fund to be able to administer it out of there and proceed. We've looked at the Sugartree Street Corridor. I think people have talked about it before. There have been some changes in that corridor that make this pretty fortuitous for us to get the grant at this point in time. Some properties and so forth may be available that hitherto were not. We are looking in coming with a general proposal for the money. Anyway, we do have it, so we have to create a fund for it.

Mary Kay Vance: We have to create the fund, and then you'll see down in the supplementals where I am putting the money in line so we can go ahead and use that, but remembering it is a grant. It is grant money. It is not General Fund money. It's not coming from... It's all taxpayer money; we all agree about that. But it is coming from the state level and not directly on the local level.

Mayor Raizk: I think it is key for folks who are a little bit confused by appropriation accounting. Even when you get a grant, you have to appropriate it. So, a lot of times your budget will look like it is swollen by the amount of that grant, but it is an in and out. So, in other words, if your budget was \$8,000,000 and you have a \$400,000 grant that you are going to administer in that year. Even though it is not coming out of that pocket, your budget now becomes \$8,400,000. You always have to add the grants in. They go in and then they go out. People will say, "Why does your budget look like that?" Well, you've got a \$400,000 grant that you have to account for.

Mary Kay Vance: It may not be a local revenue source.

Mayor Raizk: It may not be local revenue, but you have to account for it in that way. Sometimes it confuses when you are looking at the budget process.

Councilman McKay: So you need a motion to create the fund.

Mary Kay Vance: No, just for this committee to send it on to council.

President Pro Tem Mongold: What we will do is make a motion to move all of this to the council floor.

Councilman McKay: You're just going to do it all at once?

President Pro Tem Mongold: Yes.

Councilman McKay: Okay. Excuse me.

Mary Kay Vance: Are we done? Are there any more questions about that item?

Councilman Mead: Is there a matching amount?

Mayor Raizk: No. There was not for that one.

Councilman Mead: Is this the same old Sugartree Corridor we go over every ten years of so...

Mayor Raizk: But two things have happened. Number one, we finally got a little money and some other changes so it may be finally moving.

Councilman Jaehnig: More will be coming on that?

Mary Kay Vance: Right.

Mayor Raizk: Yes. We hope so.

Mary Kay Vance: The second item is the then and now. It should be attached to your packet there. I don't have another copy. It is just one item. The CORF fund. I will remind you, anytime we expend prior year dollars in the current year, whether we had it on a purchase order, whether it was appropriated or not in the prior year, anytime it has been in this year, I just have to give you notification. You have no veto power over whether it can be spent or not. I just have to give you notification of anything over \$3000 that was spent. It dribbles in at this time of year. We have quite a bit at the very beginning because obviously we have purchase orders that were opened up in December and we are paying those as those bills come in during January. Many times, we have quite a few in January and February and then they go away. With these big projects, like this CORF fund, they will be recurring because it takes several years for those to all go away.

Councilman Jaehnig: And this CORF is coming out of a line item that had those funds in it...?

Mary Kay Vance: It is grant money too. That is grant. Are there any other questions on that? Supplementals. The first one we just discussed with the capital construction line in the Waste Fund for the second phase of the vertical expansion. This is a supplemental. You will see there is a transfer in the bottom that we'll discuss. The two together equal the \$365,000 that Donnie was talking about that is going to be the total cost for the second phase. Any other questions about that? The second item is this Sugartree Corridor Grant fund. You can see I had \$284,000 there. I crossed through that because that is what the line item was for. The Ohio Department of Natural Resources is keeping 1% for their administrative fee. It brings it really to \$281,160. Any more questions?

President Pro Tem Mongold: No.

Mary Kay Vance: The third item in the General Fund to this line item that has the 150 as the three middle numbers identifies it as Municipal Court expenses. This is a reimbursement that we owe back to the IRS. We have the capability with people who we are paying unemployment on or where we've had to cover their insurance expense while they are phasing out where they were let go. There was an employee from the court that is no longer with them. The stimulus money was put in line where we could add that to our 941 when we file it quarterly to request that money back. We had an audit of those, and unbeknownst to me, this one court employee did not qualify for this stimulus request money. So, we got it. They paid us, but now we have to give it back to them. This is the amount of money there. It is not anything additional; it is almost like the grant money coming in and going out. We received the grant money through the stimulus dollars covering the insurance for this employee, but I am told that we are not entitled to it, so we need to send it back. So, I'm putting that in line for that to go back out. It's a wash to the General Fund. Any other questions? The next three items, it should be attached, are a request from Jerry Rowlands. Those of you who sat in the Water Committee meeting last Friday, these are some of the things you discussed. Those next four items are all supplemental requests from him that were a follow-up to that water committee meeting.

Councilman Jaehnig: These were based on his figures to get him through the end of the year. Correct?

Mary Kay Vance: Correct. The last one being the specific one you discussed about the ODNR payment, when we were discussing whether to pay it all now or pay it in pieces or so forth.

Auditor David Hollingsworth: Can we withhold one percent from that for our...?

[Laughter]

Kathryn Hapner: That seems fair, doesn't it.

Auditor David Hollingsworth: I wonder if we could try that.

Mayor Raizk: You know, if we could withhold one percent from what we pay for everything to deal with Caesar Creek, we could....

[Banter regarding holding one percent]

Mary Kay Vance: Any other questions regarding those supplementals. I'll move onto transfers. The very first transfer is the one we just discussed in the Waste Fund from the line item that is the bond retirement to the capital construction for \$100,000.

[Mayor Raizk left the meeting]

Mary Kay Vance: The next three, I asked Duane to come because they all have to do with the Police Department and with his motor vehicles.

Assistant Chief Duane Weyand: Basically, we purchased a couple of new cars this year. In order to outfit them, we knew money would be tight, so we had saved some money along the way in some of these other line items to transfer over to complete the outfitting of the cars. You will see that it is coming out of Equipment Parts and Supplies. You can typically buy stuff for cruisers out of that, but to keep it neat and clean and for auditing purposes, we put it all in the Motor Vehicle line item. When we do the end of the year capital asset forms that we do because there is a depreciation value associated with cruisers, it just makes it easier for auditing purposes to put all of the money in the same pool and then spend out of that. That is all I have.

Mary Kay Vance: Any other questions? The very last one is in the taxi fund we have an employee that we were paying. You had already seen an unemployment request for this. It was adjusted. We got another report from Job and Family Services that says, "Oh, sorry, it is going to be \$82.94 more. So, I'm just..."

Councilman Jaehnig: That's there one percent.

[Laughter]

Mary Kay Vance: That is all.

President Pro Tem Mongold: Are there any questions? I would like a motion to move these items forward to the July 21 meeting.

A motion was made by McKay and seconded by Jaehnig to move the items to the July 21 council meeting.

Motion passed.

Items forwarded to council.

President Pro Tem Mongold: Are there any items to be discussed?

Councilman Wallace: I have a question.

President Pro Tem Mongold: Yes.

Councilman Wallace: Going back to what Kathryn addressed earlier. Can we just pass it now and get it done without putting it on to the next council meeting.

Kathryn Hapner: You can't now because it was not on the agenda that was published. If it had been on the agenda that was published for this meeting, then you could. In special meetings, you can only pass things that actually on the agenda.

President Pro Tem Mongold: But the supplementals were.

Councilman Wallace: I'm just thinking if we are all here and we all have to meet, then we should just get them done.

Andrea Tacoronte: I don't know if it's an issue, but we don't actually have legislation prepared...

President Pro Tem Mongold: I wouldn't do that anyway. Do I have a motion to adjourn?

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

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, July 21, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

Council agreed by consensus to excuse the absent member.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

Councilman Wells asked that on page four, “know” be changed to “no” in the sentence, “I know longer have that fax number.”

A motion was made by Wells and seconded by Mead to amend the minutes of the last regular meeting, July 7.

Motion passed.

Minutes changed.

A motion was made by Wells and seconded by McKay to approve the minutes of the last regular meeting, July 7, as amended.

Motion passed.

Minutes approved as amended.

A motion was made by Wells and seconded by McKay to approve the minutes of the last special meeting, July 5, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: The next item of business is a Notice to Legislative Authority from the Ohio Division of Liquor Control. It is for an Economic Development Transfer, TREX, from Safekeeping CJM Enterprises, Inc., dba Charlies Drive Through, 253 W. Main Street, Bellevue, Ohio, to Wal-Mart Stores East LP, dba Wal-Mart 1289, 2825 Progress Way, Wilmington, Ohio 45177. That notice will be on file at the Office of the Clerk of Council. At this time, I would like to recognize Mr. Whitaker Wright to talk about the second public hearing on the 2011-2012 CDBG Programs.

Whitaker Wright: Good evening, ladies and gentlemen. This is our second public hearing for the 2011 CDBG grant. When we last met in April, at that time, the City did not know what its allocations would be. I had noted to the City Council that last year Wilmington had received \$59,000 and we were expecting a cut. We were notified that the City will be receiving \$54,000 this year. So, it was about 8-12%. It was not as severe as had been anticipated. The City is proposing to carry out three projects this year. The first project it will be installing a water service lateral on Fife Avenue. This lateral will be serving the proposed park for disabled children. The City is the recognized utility involved and therefore they will be carrying out the work under a force account program. The second project we will be carrying out, we are proposing to demolish units that have been found to be condemned under the City’s code. We are allocating \$13,700 for that. The units have not been selected. The state does not require us to do that as part of the application. Because Wilmington does have a recognized code enforcement program and Code Enforcement Officer, they will leave unit selection up to the City. So, next spring when we have our releases of funds and are prepared to begin work, I suspect that Ernie Blankenship will begin identifying units. This activity is really an outgrowth of the NSP program. We had a number of households come forward wanting to or asking the City to condemn units. We were offering kind of a hold harmless if they agreed to allow us to do it on a voluntary basis. So, there seems to be some interest. The final project that we will be carrying out this year, we will be assisting Rainbow Village installing a new flat rubber roof on their facility. The current roof is a tar and gravel unit that is past its useful

life. We will be covering that with a fiberboard material and then a heavy-duty rubber roofing material. Finally, the city has allocated \$2500 to complete its standard Fair Housing Program and administration of the grant will be \$8100. I open the floor to council or the audience.

Councilman McKay: I don't think you gave us the numbers, if you did, I missed it, to installing the water lateral.

Whitaker Wright: \$8200.

Councilman McKay: Did you give the number for the rubber roof?

Whitaker Wright: \$21,500. I'm sorry.

Paul Hunter: On the demolition, does the party that owns the property, they will pay for that out of pocket, could they reimburse the fund? I think maybe in the past we have demolished houses where the owner could have paid for it.

Whitaker Wright: I think it will be up the City when we look at it next spring. I know that has come in the past. It came up during the NSP program. A number of people said, "Should property owners reimburse the City?" At the time, the discussion was that we wanted to encourage people who were willing to do a voluntary demolition to go ahead and come forward on a hold-harmless basis. That will be up the mayor and council next spring.

Paul Hunter: There is no sewer line going out to the park or anything. That's not part of this?

Whitaker Wright: No, it is only a water lateral.

Mayor Raizk: There can't be because this proposed property is outside the city limits. At this point in time, all we can legally put into our budget is water, which we do extend outside the city limits. In the future, should this park develop or the wish be that it become part of the city, then we can talk about that. But, we wanted to get at least a toehold in terms of funding for that. One question that I had, Whitaker. Is there any neighborhood stabilization money left or is it all gone?

Whitaker Wright: No. It is all gone. The balances were allocated to the major metropolitan areas.

Mayor Raizk: But there is none left in our program?

Whitaker Wright: No.

Mayor Raizk: We've spent all of our money?

Whitaker Wright: We've spent all of our money. Thank you very much.

President Ertel: Thank you for coming. The next item on the agenda is a report from the "Be the Change" Meeting on June 11. Is Kirsten Astler or Robyn Morris here? Please come forward and state your name and address.

Kirsten Astler: Good evening. My name is Kirsten Astler and I live at 268 S. South Street. I am here just to tell a little bit about the meeting. I am going to try to summarize. You guys also should have the paper in front of you. On June 11, 2011, Be the Change of the Main Street Wilmington organization held its first meeting. More than 27 community members showed up to take part in a survey about the town in which they live. This was really excellent because these people were business owners, they were community members, and they represented different organizations that do not normally come together and talk. So, it was a nice collaboration. They covered six quadrants of the Main Street district and were asked to answer questions such as "What aspects of this street make you feel welcome?" and "What improvements could be made to make

people feel more welcome?” The purpose of this meeting was to create a list of service projects to improve the Main Street area and also to build stronger relationships between community members and organizations. In effect, we hope to assist the City by helping to do projects or tasks that may have been cut because of budget shortfalls or anything and build a volunteer base for Main Street as well. So here are some of the highlights that were touched upon. Pretty much all agreed that the scene of flowers, trees, tables and chairs made them have a great sense of community and pride as well. It made them feel very welcome. Another agreement was to have consistent signs. We discussed this at length actually, to have consistent business signs and also so that people could see it, not just when they were walking underneath the business or next to the business but from all points on the street. The meeting also allowed community members to brainstorm ideas that would beautify Main Street, protect Main Street, and also make it more accessible for visitors and residents. Some of these ideas were really interesting, like putting a bike lane in, posting not just good parking signs but also directories that would point to different business or organizations, kind of like a directory at a mall that you would see. Another big thing was to inspire the historical building owners to fix up their second stories and then also to paint mile markers for people who jog around town so that they can gauge the distance that they have gone. That is something that they felt would inspire people to come downtown. Also, to open the streets and alleys for free family fun events. So, many of these projects are either in the process of completion or will be considered at a later date. For example, there is a comprehensive wayfinding signage plan that has been recently been completed in cooperation with the Design Review Board. It includes parking directional signs. And then to inspire building owners, a second story planning and visioning is currently being created by an architect that is in town who is an intern. A fundraising campaign is underway for more benches in front of businesses. After discussing downtown trees and their economic impact with the Tree Commission, funding has been secured for additional trees and recommendations have been made to the City Service Director. Finally, on July 30, we will be holding a big day of family fun events. Main Street is going to collaborate with the Clinton County Family YMCA to bring families downtown to “Color the City.” They are going to come downtown. We are going to have sidewalk chalk for them and we are going to encourage them to color all the sidewalks on South Street and on Main Street where the Murphy Theatre is. This day is also the National Day of Dance that will be held at the Wilmington Performing Dance Studio. Also, it is an art exhibit opening for John Cropper’s *Portraits of a Place*. We hope to bring many more people downtown and give business to businesses. Other projects possibilities that will be explored at a later date include burying utility lines, mile markers for workouts and more patrolmen downtown. I would like to thank, too, all of the participants (some are here) for coming out and speaking up and taking initiative in their community to make it a better place for everyone to live. We hope to have a similar turnout for our fall Be the Change event. Are there any questions?

Councilman McKay: Kirsten, I think you may have said it, but I didn’t hear it. You are a part of the Main Street Group.

Kirsten Astler: I’m sorry. Actually, I don’t think I did. I volunteer for the Main Street Organization Committee.

Councilman McKay: That is important that you have a collaboration going with the Main Street group and that you are just enhancing what they are trying to do.

Kirsten Astler: We split up into groups. So, Robyn and I are in charge of doing the volunteer events downtown and to build up a volunteer base and do more family fun events. Our goal is to have four to six throughout this year. We are trying to do some in the fall and some in the winter as well.

Councilwoman Mongold: Are you working with someone in the City to make sure you have the proper approvals for some of this?

Kirsten Astler: Yes. Steve Brown is helping me. He is actually doing a lot of it.

Steve Brown: If there are any other questions, I would be happy to answer them.

Kirsten Astler: Also, I am in touch with Laura Curliss often too. If there is anyone else that I need to discuss with, I would be more than happy too.

Councilman McKay: I was part of your first endeavor that you talked about, and Tammy and I both participated. It was good. It was good to kind of look at things in a different way.

Kirsten Astler: And to get input from other people that you might not normally...

Councilman McKay: Right.

Kirsten Astler: Did you enjoy it then? Lunch was good?

Councilman McKay: Lunch was great.

Kirsten Astler: Great. Thank you.

President Ertel: Thank you. Okay, Mr. Mayor, that concludes my portion.

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

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

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

President Ertel: Thank you. Mr. Auditor is not with us.

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 report tonight. The first item is an ordinance establishing a new fund, which is the Sugartree Corridor Grant Fund.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4975 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: Wells, yes; Stuckert, 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: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4976 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: Wells, yes; Stuckert, 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: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4977 passed as read.

Councilwoman Mongold: Once again, we have a resolution authorizing payment of expenses incurred in a past fiscal year.

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

Motion passed

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2245 passed as read.

Councilwoman Mongold: That is all we have tonight. We will let you know when the next finance committee will be done.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: No report.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Don Wells: No report, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Tonight we have three readings on an ordinance authorizing the advertising for bids for the construction of the vertical expansion, phase 2, at the City landfill and for contracting the same and declaring an emergency. Are there any questions?

Scott Kirchner: Is there any reason that we have to do both the advertising for bids and authorizing the contract prior to getting bids tonight?

Councilman Wells: Larry, do you have a time frame to get all this done?

Service Director Reinsmith: Yes. It is ready to be advertised. You know, when you do a project like this, most of the work is moving dirt. I think that the first day they are going to advertise is July 26. I think the last day is opening bids on August 10. If you take 2-3 weeks for mobilization, you are almost getting to September. You want to get it really when the weather is dry. So, if you start getting much later than September, you will start getting rains again. You can do it in three readings and we can start it in October.

Scott Kirchner: I didn't ask about three readings. I asked about putting together the authorization to bid and the authorization to contract in the same.

Councilman Wells: Is that normally how we do it?

Service Director Reinsmith: Yes.

Mayor Raizk: They put them together because you advertise for bids and then when the bids are opened, then Board of Control awards the contract.

Service Director Reinsmith: The engineer reviews them and they make the recommendation to Board of Control.

A motion was made by Wells and seconded by Wallace to give the first reading only on the ordinance Authorizing the Advertising for Bids for the Construction of the Vertical Expansion (Phase 2) of the City Landfill and for Contracting for Same, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4978 passed as read.

Councilman Wells: The only thing I have is I handed out the second quarter recycling report. I think just about everybody got one. If you didn't get one and you need one, let me know and we will make some more copies. I think we are doing pretty good. That's all I have, Mr. President.

President Ertel: Okay. Wastewater/Sewer Committee?

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, Councilman McKay: The first item is a resolution declaring a public nuisance and spot slum and blight and declaring an emergency. Any questions?

Scott Kirchner: What is the location?

Clerk Laura Curliss: May I explain?

Councilman McKay: Yes.

Councilman McKay: There is no specific location. It is something the state needs that acknowledges that we, the City of Wilmington, have a building code and we have a code enforcement program and that we have a code enforcement official. That is part of what Whitaker said.

Whitaker Wright: I can answer that. Under federal regulations in the Community Development Block Grant Program, the federal government required jurisdictions to have a slum and blight resolution, spot slum and blight, in the event that they want to use federal community development block grant funds to demolish a condemned building. Generally the act is written because back in the early 70s, most communities did not have code enforcement programs and the regulation was installed primarily to prevent communities from going out and knocking down buildings willy-nilly. They had to actually go on record and say "We are authorizing a program to do that." Wilmington is in a different position because it has a recognized code enforcement condemnation program; however, we have to acknowledge that in the resolution saying "Yes, because we have a program, we are still required to pass a resolution authorizing the spot slum and blight."

Scott Kirchner: In spite of the fact that we have designated slum and blight area.

Whitaker Wright: Right. Because outside of that area, we have to do it on a spot slum and blight area. That's the downtown area where we have redevelopment. But to do what we have done under the NSP program where units were on a citywide basis, we have to have a citywide resolution.

Councilman McKay: It is sort of a general resolution. Thank you, Whitaker, I appreciate it. Are there any other questions?

A motion was made by McKay and seconded by Mongold to give the first reading only on a resolution Declaring a Public Nuisance and spot Slum and blight and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Councilman McKay: I guess my other question would be, do we need to do three readings tonight.

Whitaker Wright: Yes we do.

Clerk Laura Curliss: July 29 is the deadline to get it in.

Councilman McKay: Always good to ask.

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

Roll call: Wells, yes; Stuckert, 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 Mongold to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2246 passed as read.

Councilman McKay: It's my anniversary tonight; I'm trying to get home.

President Ertel: I have no comments.

[Laughter]

Councilman McKay: The second item is a resolution authorizing the submittal of an application for the fiscal year 2011 Small Cities Community Development Block Grant Formula Program, which is what we just discussed.

A motion was made by McKay and seconded by Wallace to give the first reading only on a resolution Authorizing the Submittal of an Application for the FY 2011 Small Cities Community Development Block Grant (CDBG) Formula Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Councilman McKay: And we need three readings for the same reason that we needed for the first item.

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

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

Motion passed.

President of Council declared Res. No. 2247 passed as read.

Councilman McKay: That looks like all we have.

President Ertel: Thanks, Mark. Safety Committee?

Safety Committee- In the absence of Chairperson Rob Jaehnig, Councilwoman Mongold: I can do that. We have the first reading on a resolution authorizing the mayor to submit an application for an Edward Byrne Memorial Justice Assistance Grant of \$77,100. I understand it is going to be used to purchase two patrol cars. Duane, don't we need to give this three readings?

Assistant Chief Duane Weyand: It would be nice, yes. But, I think if we do one tonight and do two the next time, I will be fine on the deadline.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Authorizing the Mayor to Submit an application for an Edward Byrne Memorial Justice Assistance Grant of \$77,100 for Patrol Cars from the Office of Criminal Justice Services, a Division of the Ohio Department of Public Safety.

Motion passed.

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

President Ertel: Thank you, Sandy. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: No legislation tonight, but I guess I would just like to say, obviously, we are moving forward on a lot of fronts with downtown revitalization as Kirsten has attested to. There are a lot of good things going on. We don't have streets torn up this year. Everybody needs to come downtown and enjoy. That's all I have.

President Ertel: Excellent. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No legislation this evening but I would like to report that the Parks and Recreation Committee did have a meeting this week, and the Park Board presented information to us in regards to a group that would like to put a shelter house in Galvin Park. It was just informational meeting. They were just bringing us up to date. That is all I have.

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

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Very good. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer Report – June 2011, and the Statement of Interest Earned – January – June 2011, 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.

Christine Estel: 777 E. Columbus Street. I have a concern. I have talked to the mayor. Two doors from me, sort of behind me, is supposed to be B&M Transmission Shop at 805 E. Columbus. It started out being a transmission shop, then it started out as a wrecker service, and then Cartoon, and then it actually has become a junkyard. It actually has become a U-Haul place. There are so many junk cars back there, it is my concern that we are going to end up getting critters like rats, mice and snakes and everything else on top of things like mosquitoes where there are tires in the backs of trucks and things. I did bring some pictures.

Mayor Raizk: Ms. Estel?

Christine Estel: Yes.

Mayor Raizk: The owner has been served.

Christine Estel: Okay.

Mayor Raizk: We have served them and we are in the...

Christine Estel: He has not done anything...

Mayor Raizk: I understand that, but he has been served. It is, I explained to you, it is zoned I-1. It is a zoning violation in his case. We have served him and he is in the period now where we have to give him so long to remediate the problem. As soon as that happens...we have actually told him that as well.

Christine Estel: Okay. On the back picture back there, the U-Hauls. My concern right now are with the U-Hauls too. He brings them in on Saturday nights. They park them in his drive. There is no way, if there was a fire, that a fire engine could get back there for all the U-Hauls that are parked out to the street...out to Columbus Street. My house is almost directly in front of him. If there is a fire, I don't want the fire coming to my house. They can't control it, if they can't get back there to actually throw water to it.

Mayor Raizk: Our concern right now is the junkyard problem because he cannot operate a junkyard there. So, that is what we have served him on. It is zoned I-1 and it is a business. I believe the U-Haul business is permitted in that zone. I need to ask you about that part of it as well. One other situation that you have talked about is some water coming down from in the back. We have sourced that out, actually. It is a railroad problem. They have cut off a culvert back there, the railroad has, we are in the process of talking to the railroad about getting that repaired back there. There is a culvert in the back and that is what is causing that flow to come through.

Christine Estel: Well, I do know actually where he has pavement. When it rains, it is like a down slant and it comes into the corners of the four properties right there together.

Mayor Raizk: Right. But the real problem is... where most of the problem is coming from... the railroad somehow or other has damaged a culvert back there. They have cut it off and plugged it off. We are contacting them because that water shouldn't be getting down there. We have other water problems along there that it is causing as well. When we had those heavy rains that was what was happening. There is water in that ditch all the time now. There shouldn't be. It should be gone. We finally traced it back. We traced it back and found out what it was.

Christine Estel: You say he has been served a letter.

Mayor Raizk: Yes he has.

Christine Estel: Then why is he still bringing junk cars in?

Mayor Raizk: He has a deadline and it has to be remediated by then.

Christine Estel: I'm tired of going out into my yard and actually seeing nothing but junk cars and tires with water in them.

Mayor Raizk: I understand that. We have followed what we have to do on the law. When that ending time comes, then we can remove them, because he...

Christine Estel: I've been going through this since April. I talked to Cindy Peterson since April trying to get something done. It just seems like it has been put back on the back burner.

Mayor Raizk: It's not on the back burner at all. There is a process that it has to go through. We're in that process...

Christine Estel: How long of a process?

Mayor Raizk: He has 30 days to remediate. I'll have to...

Christine Estel: Mr. Blankenship said fourteen to me.

Mayor Raizk: We gave fourteen for service and we did advertise and we handed him a letter. I think he has 30 days to remediate. It is a little different situation than what I told you. It shouldn't be very long.

Christine Estel: Okay.

Mayor Raizk: We've also physically talked to him and told him what he had to do.

Christine Estel: Okay. I appreciate it, then.

President Ertel: One question. Do you need those pictures back?

Christine Estel: No. You can have them.

President Ertel: We will put those pictures in the record then.

Christine Ertel: It's like it's in people's front yard, it's in people's back yard, and people down the other side of the street, it's in their back yard. It's just getting more and more junk back there. It has been there for a year and it is not letting up. He's bringing more in. Then, with the U-Haul business, like I said on Saturday night, his drive is full of U-Hauls and he's got the big fence, so it's a safety thing there too with a fire. If there is a fire, there is no way they can get back there with an engine to get it cleaned unless they move like four or five U-Hauls out at the same time and open the gate and everything else, and by that time, the place could be burnt down. Thanks for listening to me.

President Ertel: Thank you very much.

Mayor Raizk: We'll keep you posted on it.

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

Councilman McKay: I just wanted to clarify my earlier comment about it being my anniversary. It truly is my anniversary, and it is a pretty big one...45 years. I'm proud of that.

[Banter regarding Councilman McKay's anniversary]

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 Wallace to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Wednesday, August 3, 2011, at 9:00 a.m., with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Duane Weyand was also present.

President Pro Tem Mongold: Mary Kay, we will turn it over to you.

Finance: Mary Kay Vance: Before you, on the first item, are supplementals. The first item is a General Fund supplemental "Other Professional Services – Indigent Burial." We have one indigent burial that has come to our attention. Something through the coroner and Duane Weyand. I don't even know how to categorize it. It was a police issue.

Assistant Chief Duane Weyand: It is an extreme set of circumstances.

Mary Kay Vance: Duane has worked very hard on this and worked with the County Prosecutor and the Law Director to make sure that we have done all our due diligence and that this person is truly indigent. He has worked very hard to get the very best price that we have. It is less than the \$2000, but I need to put that amount in there, because this potentially could not be our last one. \$2000 is just a minimal amount of money to put in place. I hope we don't have to use that. Typically, in years past this is what we have appropriated year after year after year and did not have to use that appropriation. We haven't done it in the last couple of years for budget process to make sure that we bring our appropriations down as close as we can. When we don't use it, we obviously don't have that need.

Councilman McKay: And there is a requirement that we provide indigent burial?

Mary Kay Vance: Yes. If a person is indigent, we are required to bury this person or take care of the body by the Ohio Revised Code. We are guided not by local ordinances but by Ohio Revised Code. They are very specific in their requirements and whether there is family involved and so forth and so on. That is why Duane got all of the other parties involved and all the other legal folks involved to make sure that we were not stepping outside. Now, if there is family involved and they too are indigent, that does not take away our responsibility to provide this service.

Auditor David Hollingsworth: When you say service, this is a bare minimum burial. They are not provided with a full-blown funeral service.

Councilman Wells: Is cremation allowed?

Mary Kay Vance: That is what this is. Cremation is the most inexpensive way to do that.

Duane Weyand: It's \$500. It's through Powers, I think, out of Jamestown. They are picking the body up from the crime lab, transporting it, doing the cremation and providing some kind of urn. Then we just have to try to find some family member to give this to at some point down the road. What we have is a lady who died in her house in the 17th of June. The squad was there, called us, we were there. There were a lot of injuries that just were not consistent with how the lady had died. So, we sent the body to the crime lab. The daughter that was there has a very diminished mental capacity and she kept talking about how we needed to call the global police and the aliens did that and she had to lock her mom in the bathroom because she had to keep all of the people away from her. So, after the body went to the crime lab, they declared that it was a natural cause type death, but the daughter has since been deemed mentally incompetent and she has actually been committed. As of Monday, she was in Christ Hospital. So, there is no family to pass this cost onto.

Councilman McKay: Do you want to do all of these or one at a time?

Mary Kay Vance: I'm just waiting to see if there are any more questions.

President Pro Tem Mongold: We'll just let her go on with all of them.

Mary Kay Vance: The second item is the Probation Fund is adding a benefit insurance line. That will tie in to the two middle transfers down below that belong with the Community Corrections Fund, which is a grant fund that is through the court that has to do with probation. They have two employees now that work for that department. They are adding a third employee. They have already approved this through their grant through the State of Ohio. You can see her request is attached to her paperwork here. So, where it says moving from program expenses to salaries and pensions down under the transfers, that is covering salaries and PERS. Then, the Probation Fund, which is funded by fine money, specifically identified for the probation portion of the court operation, will pay the benefit insurance piece of the hiring of this employee.

Councilman Wells: When you say they are adding a new employee...

Mary Kay Vance: That is correct. This gentleman has been on contract. They have been using him as a contract person and we have been paying him directly and provided him with a 1099 at the end of the year, as we have done over the last two years. They evidently have changed their mind and want to hire him full time. That is the best I can tell you about that.

Scott Kirchner: But you are indicating that all of these expenses are covered by grant monies. These are not increased costs to the...

Mary Kay Vance: General Fund. These line items have nothing to do with the General Fund.

President Pro Tem Mongold: That area does not fall under the mayor's request for additional hires.

Mary Kay Vance: As you can see, it was on the judge's letterhead. It came from the municipal court where he requested this health insurance for Ryan Williams to be covered by probation services. If you want the judge to come in and chat with you about it, I don't have a problem with that. Or, he can issue a court order to make you do this regardless, so there you go. I don't mean to be smart about it, but that is exactly what he can do if he wants to.

Paul Fear: As Mary Kay said, they hired him as a private contractor, so we have been paying him under consulting fees out of their account.

Councilwoman Mongold: She already said that.

Paul Fear: I know. That is what I am saying. I'm reiterating what she just said.

Mary Kay Vance: But these are additional costs.

Paul Fear: So would we still be paying him out of consulting fees?

Mary Kay Vance: No.

Paul Fear: That was my point. Let me finish. I was reiterating what she said. We're paying him already as a consulting fee, so we're just going to be changing him over and make him a full-time employee and paying him a salary.

[Multiple persons speaking simultaneously regarding increased costs]

Mary Kay Vance: It is more cost overall to have this person be an employee than it is as a consultant. It is more costs to the program, but they evidently feel that is what they want to do.

Councilman Wells: Is that a benefit to them to hire him.

Mary Kay Vance: I don't know that answer.

Councilman Wells: Judge Carey would be the one to ask.

Mary Kay Vance: Any other questions?

Scott Kirchner: Is there a timeline on how long that grant money is available? Is it a year?

Mary Kay Vance: When it goes away, the whole bunch of them will go away. Their grant cycle runs July 1 to June 30. They make application every year. If the grant goes away, they all go away. The program goes away. It's a simple as that.

Unknown Male Speaker: But, if he is an employee, the judge just can't...

Mary Kay Vance: I specifically said, "What happens if you don't get this grant money?" They said that it goes away. They all go away. They are an employee of this program specifically.

Pro Tem Mongold: They already have two employees.

Mary Kay Vance: It does not then become a burden... We would have to cross that bridge if the judge then decides that he wants to keep them and hire them and pay for them out of a different area, then that's a whole other discussion that you would all have at that time. Any other questions? The third item supplemental is in the emergency ambulance fund they applied for \$7500 in grant money. You can see where we received the check. It is attached there in the packet. We are just putting it in line for them to go ahead and use this. The last supplemental is for those of you who were in the Sewer Committee meeting and Harry Jay talked about the need to increase his utility line to cover our costs for the utilities that have to do with all of the new facilities. For your information, we have received some reimbursement from Total Baking Solutions just this week. We are getting reimbursement as they are being invoiced. We got money from Total Baking as part of the reimbursement on the utilities. The bottom line is we have to pay it up front. At this point in time, because those utilities are not switched over into anybody else's name, they are still in the City's name, and Harry Jay is monitoring every bit of that and then invoicing back to them what their portion of that is. We still have to fund it. We still have to be able to make that payment. So, he is asking for that. You discussed this in the Sewer Committee.

Scott Kirchner: Will the approach be to accrue the monies that you receive from Total Baking Solutions and then reverse appropriate it back into the Sewer Fund at the end of the year.

Mary Kay Vance: It doesn't matter. Appropriations are one thing. Revenues are another. Revenues offset your expense. To reverse appropriate it doesn't accomplish anything. Because the expense, you can't reverse appropriate it. Because when you spend it...if it is going to cost you \$300,000 to cover all of your utilities and we have a revenue stream, whether it is from sewer expenses or from TBS, the revenue stream is there to cover that. You spent \$300,000, you can't reverse appropriate it because then the expenditure will be more than the appropriation. You have to expend the money.

Scott Kirchner: So you are saying that you would just put those reimbursement amounts directly into the account?

Mary Kay Vance: Exactly.

Scott Kirchner: Because we keep appropriating more and more to pay this...

Mary Kay Vance: But we have a revenue stream back.

Scott Kirchner: That is why I was asking how we are handling it.

Mary Kay Vance: It always goes back into the place where it came from.

Auditor David Hollingsworth: It will just go back into the Sewer Fund.

[Simultaneous discussion regarding revenues and expenditures]

Mary Kay Vance: Sewer revenues are what support the expenditures. That is always what it is. The sewer revenues support the expenditures.

Auditor David Hollingsworth: We will report that when we do our amended certificate with the county. We will update our revenue sources.

President Pro Tem Mongold: Any questions on the supplementals?

Scott Kirchner: Is there a signed agreement in place with TBS at this point?

Clerk Laura Curliss: I'm not at liberty to say.

President Pro Tem Mongold asked for a motion to move the items to council.

Mary Kay Vance: Before we finish the supplementals, I handed you a single page from the fire department. This came in after I prepared the list for you. Never mind, it is a transfer. It goes down below.

A motion was made by Jaehnig and seconded by McKay to move the list of supplementals discussed to the floor of council on August 4.
Motion passed unanimously.

Mary Kay Vance: I have a question about your previous meeting with your UDAG request.

Clerk Laura Curliss: Which one?

Mary Kay Vance: If you are going to vote on the Wogomon/E&S tomorrow, do you need a supplemental?

Clerk Laura Curliss: It is just a first reading.

Mary Kay Vance: Okay.

President Pro Tem Mongold: Transfers.

Mary Kay Vance: We are moving money. The first one is in the Police Department. We are moving from drug and crime prevention incidentals \$1200. Anything?

Councilman Jaehnig: Are these the same items we talked about in Safety? You talked about how we could cover certain costs or was that a different discussion?

Assistant Chief Weyand: I think this is basically that we have costs that are above and beyond some of our stuff for dispatch. I think we have some phone bills and some other contract stuff that we are just covering the costs of.

Mary Kay Vance: Are there any other questions for Duane? The next two we already covered. The last one on this list is under Denny's Street Maintenance and Repair, from Vehicle Expense to Supplies. He discussed that in your committee meeting the other day.

President Pro Tem Mongold: I missed that meeting. What was it for?

Mary Kay Vance: He is just running short on the supplies for street maintenance.

President Pro Tem Mongold: Okay. Are there any questions?

Mary Kay Vance: Then, the extra one from Chief Mason. I think he explains that. You had that discussion in your Safety Committee meeting the other day too.

President Pro Tem Mongold asked for a motion to move the Transfers to the August 4 Council meeting.

A motion was made by McKay and seconded by Mead to move the transfers to the floor of Council floor on August 4.

Motion passed unanimously.

Mary Kay Vance: I don't have the hotel lodging tax for you because it wasn't part of this agenda. You'll have it.

Clerk Laura Curliss: It won't be...

Mary Kay Vance: It will be, but it wasn't part of this agenda. It will be part of your agenda on Thursday night.

President Pro Tem Mongold: Are there any other items to bring to discuss for Finance? David, do you have anything to say?

Auditor David Hollingsworth: I had briefly mentioned to Mary Kay that I had given some thoughts to the upcoming budget. I think what we are going to attempt to do...I think what we need to do...once we determine what revenue sources (and I think we have a fairly good handle on what those are going to be), we will sit down to determine how we are going to allocate those to the different departments and give them x-amount of dollars to work with and move from there. This is a little different than what we have done here in the recent pass.

Councilman McKay: You say you are going to up-front what they are going to have for the rest of the year?

Auditor David Hollingsworth: Not for the rest of the year... for next year.

Councilman McKay: I'm sorry. I thought you were talking about this year.

President Pro Tem Mongold: The budget process.

Auditor David Hollingsworth: The process that we will start here shortly.

President Pro Tem Mongold: So we will have the revenues to work with to determine their expenses.

Councilman McKay: I got you. To create a zero-deficit budget?

Auditor David Hollingsworth: Basically, yes. That's the point we are at now.

Councilman McKay: That's all good.

Auditor David Hollingsworth: Assuming we want to maintain that two and a half million dollar reserve as our cushion, I think that is what we have to do going forward. We will come back to you guys once we determine...because there will probably have to be some discussions on how we want to allocate the revenue. There might be some departments that have a little higher priority than others. But nonetheless, I think that is the approach we need to take.

Paul Fear: As a segue to that, can we do a little precursor from Marque regarding issues that we talked about previously. I will pass these out while he is talking...

Auditor David Hollingsworth: That is all I have.

President Pro Tem Mongold: I don't know if we can do that because it's not on the agenda.

Clerk Laura Curliss: I don't think we can do that because it is a special council meeting. You can only do the stuff that is on the agenda.

President Pro Tem Mongold: You can't discuss anything that is not on the agenda.

Clerk Laura Curliss: On a special, it has to be on the agenda.

Scott Kirchner: So anything on Finance at this point has to be...

Clerk Laura Curliss: A special council.

Councilwoman Mongold: I thought we were going to do a memo regarding that.

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, August 4, 2011, at 7:30 p.m. with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

President Ertel: Welcome. We have a full crew tonight. That's excellent.

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 21, as received.

Motion passed.

Minutes approved as received.

A motion was made by Wells and seconded by Mead to approve the minutes of the July 18 special meeting as received.

Motion passed.

Special minutes approved as received.

President Ertel: I would like to make notice of a public hearing for petition of rezoning. This is hereby given a public hearing on a petition for rezoning of part of a 281.312-acre tract located on State Route 134 and Davids Drive from R-1 Single Family Residential and R-3 Multi-Family Residential to I-1 Industrial. The subject real estate is the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver RLT dated 3/12/1997 and Kirby L. Tolliver, Trustee of the Kirby L. Tolliver RLT dated 3/12/1997. The plat recorded by Wilmington Ohio Planning Commission is on file with Clerk of the Wilmington City Council, Municipal Building, 69 N. South St., Wilmington, OH, and is available for public inspection. In fact, the maps are over there if you would like to have some. This was given at the public hearing upon said proposed rezoning. The proposed ordinance will be held before the Council of Wilmington Ohio on the 18th day of August 2011, at 7:30 in the Council Chambers, Municipal Building, 69 N. South St., Wilmington, OH, at which time and place any interested person can appear and be heard. I wanted to make sure that everyone was notified of that. That does my portion of the agenda. Mr. Mayor?

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

President Ertel: Let's move right into the committee reports. Asset, Acquisition and Use?

Asset Acquisition and Use: Chairperson Sandy Mongold: No report this evening.

President Ertel: Thank you. Mr. Auditor?

Auditor – Auditor David Hollingsworth: I have nothing formally. I will just mention that Mary Kay and I talked, my Deputy Auditor, and we'll put together a report for Finance Committee. We probably will wait until the end of August to see where we are at. We'll have a report available for you.

President Ertel: Very good. We'll look forward to that. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Yes. We have two items tonight. The first 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4979 passed as read.

Councilwoman Mongold: The next item is an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4980 passed as read.:

Paul Hunter: May I ask a question of Sandy, please?

President Ertel: Sure. Go right ahead, Paul.

Paul Hunter: What utility is that? Sewer utilities? Is that how that works?

Councilwoman Mongold: Are you talking about the supplemental?

Paul Hunter: Yes.

Councilwoman Mongold: Yes it is.

Paul Hunter: One part of the sewer is going...

Councilwoman Mongold: It is going from the sewer fund to the utility line in the sewer fund. That is for the Randall building that we have.

President Ertel: Very good. 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 Wells: Mr. President. We have several items tonight. The first item is three readings on a resolution authorizing the Director of Public Service to advertise for bids and enter into a contract for the repaving of several streets in the City of Wilmington and declaring an emergency. Are there any questions?

A motion was made by Wells and seconded by Wallace to give the first reading only on a resolution Authorizing the Director of Public Service to Advertise for Bids and Enter into a Contract for the Repaving of Several Streets in the City of Wilmington and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

A motion was made by Wells 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; Stuckert, 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 Wallace to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2248 passed as read.

Councilman Wells: The second item is the first reading on an ordinance amending the traffic control map and traffic control file for a no-parking zone on the east side of Grant Street. Are there any questions?

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 to Provide for a “No Parking” Zone on the East Side of Grant Street.

Motion passed

Director of Law read ordinance by title only.

Councilman Wells: Do we need the second and third reading on the next meeting?

Service Director Reinsmith: You might mention that is going to come back as an amendment.

Councilman Wells: Yes. We anticipate that we will amend this to provide for the west side to be parking where there is a no-parking right now. We are just swapping that. We will do both readings at the next council?

Service Director Reinsmith: As amended.

Councilman Wells: As amended.

Service Director Reinsmith: That way, we can get the measurements on that.

Councilman Wells: Thank you.

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

Councilman Wells: The last item is the first reading on an ordinance amending the traffic control map and the traffic control file to provide for a no-parking zone on the east side of Josephine Street. Are there any questions?

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 to Provide for a “No Parking” Zone on the East Side of Josephine Street.

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.

President Ertel: Very good, Don. Thanks. Solid Waste/Recycling?

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

President Ertel: 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 one reading on a resolution authorizing a UDAG loan for E&S Cornerstone LLC at 14 North South Street. This currently houses the Peaceful Acres Wellness Center. It used to house Next to New. This is, of course, badly needed repairs on the structure of the facility itself. For those who were in our Judiciary meeting that may have not made our second one, it was determined that on this particular UDAG we are able to take a first position on the loan, which is very unusual. So, at this point, I would like to ask if there are any additional questions.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing a UDAG Loan for E&S Cornerstone, LLC for Real Property Improvements at 14 N. South Street.

Motion passed.

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

Councilman Jaehnig: The second item is one reading on a resolution authorizing an amendment to an already-approved UDAG loan for Amanda Boldman and Pamela and Jerry George at 135 N. South Street, which is the Cutting Room. This is a project that has already been in works. We have had some change orders that have increased the repair costs. We need to up the limit a little bit for them so they can get that project completed. Are there any questions on that?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing an Amendment to a UDAG Loan for Amanda Boldman and Pamela and Jerry George for Real Property Improvements at 135 N. South Street and Declaring an Emergency.

Motion passed.

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

Councilman Jaehnig: Thank you. That is all for Judiciary, sir.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: Even though on your list out there it doesn't show, we do have one item that is currently listed under Safety Director. It is for the Safety Committee. That is the second and third readings on a resolution authorizing the mayor to submit an application for a grant for \$70,000 for patrol cars from the Office of Criminal Justice Services. Another sign of our Assistant Chief doing an excellent job of searching out opportunities of ways to staff and outfit our police force in a manner that does not affect our budget, and I applaud them. Are there any questions?

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 Submit an Application for an Edward Byrne Memorial Justice Assistance Grant of \$77,100 for Patrol Cars from the Office of Criminal Justice Services, a Division of the Ohio Department of Public Safety.

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

Motion passed.

President of Council declared Res. No. 2249 passed as read.

Councilman Jaehnig: That is all, Mr. President.

President Ertel: Very good. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

President Ertel: Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No real report. We have started the Prairie Road project. They decided they wanted to start by putting the sidewalk in first, which is probably good, because pedestrians can walk down there and they can tear everything else up when they are doing that project.

President Ertel: Very good. I saw that the other day. That will be nice. That will help Dick.

Dick Unger: Five years...I brought it up five years ago that we needed something done from the old Cincinnati Mill so you don't get run over when you walk down the road.

Service Director Reinsmith: I do want to tell you that not everybody is happy with that. I talked to a guy yesterday for a half hour that lives over in Denver Addition. He doesn't have a sidewalk in his front yard. He went on and on. I said, "You know, it's Issue 2 money, and if we don't spend it, someone..." He said, "I've heard that before. You don't need to spend it at all." What he doesn't realize is the voters voted on that money to spend it. They passed State Issue 1 so that legislators could sell bonds to turn around and give it back to the communities to do projects like that. I said, "People in Denver don't usually drive 70-80 miles an hour." Out in Prairie, there's no place for them to go when they come speeding in like that.

Dick Unger: I almost got hit twice out there. I'm glad to see it being done. Those people from Brownberry are out there pushing their children in little carts and stuff.

Service Director Reinsmith: They have a few big trees, but it's going to work.

Councilman Jaehnig: I thought you were going to say that it was Cindy Peterson that was unhappy about the sidewalks.

Service Director Reinsmith: She just had one question. What are these orange x's on my trees for.

[Laughter]

President Ertel: I think she found out. Before you, you have the Hotel Lodging tax...

Safety Director – Mayor Raizk: The Safety Director has no report, Mr. President.

President Ertel: I assumed that since we took your legislation.

Mayor Raizk: Well, you took everything.

President Ertel: And the opportunity. Very good. Thank you.

[Laughter]

Reports:

A motion was made by Wells and seconded by Mead to approve the Hotel Lodging Tax Certification and Income Tax Receipt Summary, 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. Just a quick one. Not that anyone cares, but in that war between Fred Haught and zoning enforcement, Fred Haught wins, ten to zero. 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 Street. Does anyone have a report on the movie people or what is happening out there?

President Ertel: I was told that they are filming inside that building and it is not open to the public. That's about...

Mayor Raizk: Dick, I can tell you that esteemed County Commissioner, Mr. Riley, and I just came from out there. We had to sign nondisclosure agreements, so we can't actually say anything about what we've seen or what we were shown. Did I speak that correctly, Randy?

Randy Riley: Absolutely.

Mayor Raizk: The one good thing is that it is very exciting that something like that is going on. When we first talked about it we were weren't sure where people were going to stay or what kind of impact it would have. What has been great is all of the people have been staying locally in our hotels. We had heard originally that some were going to stay in Cincinnati and so forth. That has not been the case. They have been going to the local establishments and so forth. Debbie Stamper is trying to get some data so that when it is all over we can see what kind of economic impact it did have and so forth. We are very excited to have them. There are quite a number of folks here.

Dick Unger: Now will these people be subject to our one percent income tax on their wages?

Mayor Raizk: We are looking into that and I've talked about the treasurer about that. We have to see. It depends on how long they are here and so forth.

Dick Unger: That's all. I was just curious.

President Ertel: Very good. Thank you.

Councilman Wells: Mr. President. I received a letter from Rachel Brooks on Meadow Ridge Circle about the status of Timber Glen with the mowing and the street work. I just wondered has anything changed with that? What is going on?

Service Director Reinsmith: I met with the realtor last week. He tells me that they want to sell the balance of the land off right now because they can't develop it. He says we should work together so they can get it sold. I told him I really didn't care if it got sold. It's not a blank piece of land out there. We have 100 residents living here. There are things that they haven't done to meet their end of the bargain. I told him that council, the mayor, no one is going to approve any lot splits or anything for you to sell this land until you have made provisions to finish the project. He kept saying that we have to work together. I said we're going to work together, but you're going to do what you're have to do to make it right.

Paul Hunter: Do you mean Mr. Keethler?

Service Director Reinsmith: No. Well...

Paul Hunter: Because he [inaudible for transcription] went bankrupt but he is still paying taxes.

Service Director Reinsmith: He went bankrupt, but Al Wiseman still owns.

Paul Hunter: Al still has a finger in there still?

Service Director Reinsmith: I contend that the bank owns it, but they said...

Councilman Wells: Who has the deed, Larry?

Service Director Reinsmith: Al Wiseman.

Councilman Wells: So is the city going to continue to mow?

Service Director Reinsmith: Yes. I talked to Denny yesterday. Our tractor has been down. I told Denny it needs it again. So, this will be the third mowing.

Councilman Wells: I'll let her know that.

Mayor Raizk: Yes. Our position is very adamant that no property can be transferred or sold without everything being up to snuff. Not just some...everything. And dedicated and then they can deal with the rest of the property. But not until that point.

Service Director Reinsmith: They have the common areas. They said that they were going to turn those over to an association. I told him that part of this deal is that the association is going to be formed and they'll vote to accept those common areas before we'll let you go on. That will be a challenge in itself trying to get that association formed out there.

Councilman Wells: Well, one of Rachel Brooks' concerns was the safety of the children with the weeds and the street problem, so I told her that we were working on it and that we would try to do the best we could to keep up so that there are no safety things.

Service Director Reinsmith: I think it could move a little faster now because I believe the bank wants to move on and they want to get it off of their plate.

Councilman Wells: Okay, That's good.

Mayor Raizk: I think financial is going to be the best lever.

Councilman Wells: Thanks a lot. That is all, Mr. President.

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

Gordy Bingham: 805 E. Columbus. I have an auto salvage business I have had since 2005. My understanding is there was an ordinance that came out in 2008 against any junkyards or salvage yards. For some reason, the zoning manager sent me a letter saying I can't do business any more. He said he had some complaints. I'm not sure...is it visual complaints?

Mayor Raizk: You can't operate a salvage yard. That is zoned I-1, but a salvage yard is a conditional use in I-1. When you got into the salvage business, which I believe was in January of this year...

Gordy Bingham: It was in '05 when I got into salvage.

Mayor Raizk: In that location?

Gordy Bingham: Yes. I've been there about 10 years.

Mayor Raizk: You've never applied for a conditional use, so you can't do it there. You can't apply for a conditional use now. You're not grandfathered because you didn't have a conditional use prior to the ordinance. Now you can't get a conditional use for it.

Gordy Bingham: Well, how does the general public know about anything like that except for going to the zoning office, which I did before I opened my business. There was no ordinance against any junkyard or auto salvage.

Mayor Raizk: That's not true. It's been a conditional use since 1959.

Service Director Reinsmith: 1959.

Mayor Raizk: You've always had to apply to the Board of Zoning Appeals or to the Planning Commission for a conditional use to operate a salvage yard within the City limits of Wilmington, even in an I-1 zone.

Gordy Bingham: Where does a person find those documents?

Mayor Raizk: They're on file.

Gordy Bingham: In Zoning?

Service Director Reinsmith: Yes. Why did you come to us in '05?

Gordy Bingham: I went to the Zoning office and got the zoning rules and didn't find any rules against auto salvage.

Service Director Reinsmith: Did you talk to anybody?

Gordy Bingham: No. I got the rules and it wasn't in there.

Service Director Reinsmith: Sometimes it's difficult to try to weed through those, especially when it comes to conditional uses and contingent. Those conditional uses require fencing and screening. And if it adjoins a residential neighborhood, there are other requirements. There are several requirements in there that you must meet when it was legal to put them in an I-1 zone. Ernie says you said you had a license to operate that you got from the state. It was issued by the Motor Vehicle...?

Gordy Bingham: Yes.

Service Director Reinsmith: That doesn't have to do with zoning at all. I didn't know it was a junkyard at all until the policeman told me. I remember it being a small engine repair shop and then it was converted to a transmission shop. That's the last thing I ever heard about it. I never knew it was converted to a salvage yard.

Gordy Bingham: A lot of people don't know we're there. There are a lot of places in town that have a lot more junky cars than what you can see from my place. That is what I didn't understand.

Mayor Raizk: But, it is a zoning violation. It is not necessarily... Now you can't be there as a salvage operation because we no longer permit that. Since you did not have a conditional use, as Larry explained, to operate a salvage yard, even in an I-1 zone, you would have had to have gotten a conditional use permit from the Board of Zoning Appeals. There are also restrictions on that as to what you can do – the fencing, blocking it off, it can't be adjacent to a residential neighborhood, which you are. Chances are, you wouldn't have gotten a conditional use permit had you asked for one back then. Now, it is a mute point because it is no longer available as an option. You can no longer operate there as that because it is a zoning violation.

Gordy Bingham: That's all I needed. 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 Mongold to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, August 18, 2011, at 7:30 p.m. with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

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

Motion passed.

Minutes approved as received.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the special meeting, August 3, as received.

Motion passed.

Minutes approved as received.

President Ertel: I would like to call your attention to a public hearing on a request for rezoning concerning the rezoning of 109 acres of land, more or less, located on S.R. 134 and Davids Drive from R-1 single family residential and R-3 multi-family residential to I-1 industrial, the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver, RTL, dated 3/12/97 and Kirby L. Tolliver, Trustee of the Kirby L. Tolliver RTL, dated 3/12/1997 (the "Tolliver Fields" Project). Bill Peelle is representing the petitioners in this case.

President Ertel opened the public hearing on the "Tolliver Fields" rezoning.

President Ertel: Are there any comments or questions.

Bill Peelle: I am not sure at what point it is proper for me to begin to address council, but I assume the sooner the better, so we can all keep the agenda moving. There is a slight mistake. It is Kelly Tolliver, 3/12/97. It is not a major concern. I think most people are familiar with the property that was begun to come under develop on Davids Drive with the group from out in Colorado that came in and anticipated developing it. A long story short is that less than a year ago, Kelly and Kirby acquired that property. They have farmed it for the last ten or twenty years, so they are familiar with it. It does have a little bit of infrastructure that has been placed out there, but it doesn't look like that will be used in the near future. One hundred and seventy-two acres of that is already zoned I-1, and now there is a request for the balance of the 282 acres (the 109 acres that you see, hopefully, in the petition in front of you that has been described recently from the survey). So, that 109 they would like to have I-1 as well as well as the 172 they already have. Part of the reason for that is the unique opportunity that may present itself for some purposes along some agricultural and marketing aspects. I would, if Rob Jaehnig is willing to do so, I would ask that he would comment at this point with regard to some of the knowledge that he has as the CIFT Director and also as a person who has been somewhat involved in being at least communicated with concerning the information as to why Kirby and Kelly would request that this property be rezoned at this time. Rob, would you address that, please?

Councilman Jaehnig: Thank you, Bill. The Tolliver Fields project is what this is becoming known as. It was originally introduced as the Austin project. As projects come out and get going, they take on a local name once it is determined how they are going to proceed. The project itself is actually the certification of a piece of property to allow it to attract the food and ag industry. The certification would turn it into a shovel-ready site for the food processing industry and for the bakery industry. In this particular case, that would make this quite unique, because there are currently no shovel-ready sites for the baking industry in the State of Ohio. Certification means a great deal in regards to site selection. The group that was brought in to work on this shovel-ready certification is Ady International and Austin Group. Ady International is run by a gentleman by the

name of Robert Ady. He is one of the foremost experts in site certification in the food processing and pharmaceutical processing industries in the world. As an example, if somebody like a Kraft Foods was looking for a new facility, quite often they would call somebody like Mr. Ady and start the site selection process at that particular point. For a business, this is a very drawn-out, long procedure. It is often quite expensive. So, they started prepping sites in advance for shovel-ready, meaning that they have all of the information they need in regards to the infrastructure that's available, the workforce that's available, what the local regulations are, zoning is already properly in place, what infrastructure sits there, will it fit the needs of the industry as it moves in, and those types of things. The value to a manufacturer would start at a minimum of \$100,000 in savings from actually having to hire out this job to be done by an expert. The State of Ohio in trying to be proactive instead of reactive, came to CIFT and said, "We would like you to organize and work with Ady International, the Austin Project, to certify not just some sites, but three entire industrial complexes or parks. That way, we really can be a major player. Since the State of Ohio, Ohioans consume \$64 billion worth of food a year, but right now we only produce about 3% of that. That is something that we should be able to do a better job at. It doesn't mean we don't grow more, it is just quite often it leaves the state for processing and comes back. When you sit down at dinner at night, your meal, on average, will have traveled 1500 miles. This was the State's attempt to say, "Okay, let's be aggressive. Let's be out in front of the industry." If this site is certified as a shovel-ready site for the food processing and bakery industries, then that will shorten the amount of time it takes for a manufacturer to get up and going. In this economy, nobody is building a plant until they absolutely have to have it, and at that point, they are in a big rush to get it done. So, that really moves us to the top of the list for economic development. It really is a great opportunity for the community. The last piece of the puzzle, to be honest, is this rezoning tonight.

Bob Peelle: Thank you, Rob. I think what Rob commented on (besides the sewer and the infrastructure and the fact that it is basically available and can be used commercially once the rezoning is in place) is that the labor pool that we have is one of our richest resources right now and certainly one that we need to tap into as soon as possible, whatever manufacturing business might be able to relocate here. If anybody has any questions at all, Kirby and Jeff Bennett, who has been instrumental in assisting the Tolliver family with regard to the acquisition and also is assisting as the realtor, is available to answer any unique questions that anybody might have.

Paul Hunter: Have there been any EPA testing to make sure it meets the "green" criteria.

Councilman Jaehnig: Yes. A complete Phase 1 EPA study is completed and done.

Paul Hunter: And it came up clean?

Councilman Jaehnig: Yes.

Mayor Raizk: Mr. President, for the record, Planning Commission has voted unanimously to recommend the rezoning to council.

President Ertel: Very good. Are there any questions or comments.

President Ertel closed the public hearing on the Tolliver rezoning.

President Ertel: Okay, Mr. Mayor. Do you have any comments?

Mayor – Mayor David Raizk: No report tonight, Mr. President. You have plenty on your agenda.

President Ertel: Okay. Thank you so much. We will move right to Asset, Acquisition and Use.

Assets Acquisition and Use: Chairperson Sandy Mongold: We have the ordinance changing the zoning of real property located in the City of Wilmington, the Tolliver Fields Project, 109.455 acres for rezoning.

Councilman Jaehnig: Mr. Chairman. I would like to request council's approval to abstain from this vote due to a conflict of interest.

President Ertel: That will be fine.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio (Tolliver Fields Project – 109.455 acre rezoning).

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, abstain; Wells, yes; Stuckert, 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, abstain; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4981 passed as read.

Councilwoman Mongold: That is all. Thank you.

President Ertel: Mr. Auditor?

Auditor – Auditor David Hollingsworth: Just real quickly, as we are getting ready to go into the budget process for 2012, we just received certification from the county on what our local government monies will be for 2012, and we are probably going to see a decrease of close to \$150 thousand. It is going to be passed down from the State through the County. That will no doubt affect our budget in going into 2012. I think this is the first part of some of the budget cutbacks on the State level that are filtering down to the local municipalities. It is about \$150 thousand less than what we certified in 2011. That is all I have.

President Ertel: Thank you. Finance Committee?

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

Motion passed.

President of Council declared Ord. No. 4982 passed as read.

Councilwoman Mongold: The second item tonight we have is a resolution declaring it necessary to light the streets, lanes, alleys, lands, squares, and public places in the City of Wilmington for the year 2012. This is a something we do every year.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Declaring it Necessary to Light the Streets, Lanes, Alleys, Lands, Squares, and Public Places in the City of Wilmington, Ohio, with Electric Lights and for the Special Assessments to be Levied to Pay the Cost Thereof for the Year 2012.

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

Motion passed.

President of Council declared Res. No. 2250 passed as read.

Councilwoman Mongold: The third item we have tonight is another resolution acknowledging receipt from the Ohio Department of Taxation of the 2012 Local Government Formula money. We also do this every year.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Acknowledging Receipt from the Ohio Department of Taxation of the 2012 Local Government Formula, the Notification of a Reduction in the Amount of Local Government Funds Available to Clinton County for Jan.-June 2012 (25% Reduction) and July-Dec 2012 (50% Reduction) and Accepting the Same.

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

Motion passed.

President of Council declared Res. No. 2251 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 – Chairperson Wells: Mr. President. We have two items tonight on the agenda. The first item, I would ask that we postpone the second reading tonight. We are trying to get a Streets Committee meeting together to work on an amendment to this ordinance, so I would like to postpone that. The second item is the second reading of an ordinance changing the traffic control map of the City of Wilmington adding a “no-parking” zone on the east side of Josephine Street.

Councilman Wallace: Do we need to be more specific?

Mayor Raizk: It’s defined by the map.

Clerk Laura Curliss: In the text, it should be pretty specific. It’s 180 feet from something or other. We’ve gone out and measured.

Mayor Raizk: All the data is in.

Councilman Jaehnig: It’s 130 feet.

A motion was made by Wells and seconded by Wallace to give the second reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Provide for a “No Parking” Zone on the East side of Josephine Street
Motion passed
Director of Law read ordinance by title only.

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

Councilman Wells: That is all, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

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

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 two items tonight, Mr. President. The first item is the second and third reading authorizing a UDAG loan for E&S Cornerstone, LLC, for real property improvements at 14 N. South Street. This is the building of Peaceful Acres Lavender Farm Wellness Center. Are there any questions in regards to this?

A motion was made by Jaehnig and seconded by Mongold to suspend the rules and give the second and third reading on the resolution Authorizing a UDAG Loan for E&S Cornerstone, LLC for Real Property Improvements at 14 N. South Street.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, 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 Stuckert to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2252 passed as read.

Councilman Jaehnig: Thank you. The second item tonight is the second and third readings on a resolution authorizing an amendment on a UDAG loan that we have already approved in regards to improvements at the Cutting Room. They have a change order and they need to increase their loan by a small amount. We had the first reading at the last meeting. Are there any additional questions at this point?

A motion was made by Jaehnig and seconded by Stuckert to suspend the rules and give the second and third reading on the resolution Authorizing an Amendment to a UDAG Loan for Amanda Boldman and Pamela and Jerry George for Real Property Improvements at 135 N. South Street and Declaring an Emergency.

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

Motion passed.

President of Council declared Res. No. 2253 passed as read.

Councilman Jaehnig: That is all we have today. Thank you, sir.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: Mr. President, I attended the last Main Street promotions meeting. There are just a whole lot of things planned. Actually, every week they have an open mike night at the General Denver. Tonight, if you go down to the South Street Coffee House, there is an open mike downtown. Nice, casual atmosphere. Tomorrow night, Mr. Mayor, there will be a third Friday event at the Mural Parking Lot. It is going to be also accompanied by our first ever cruise-in on Mulberry Street. I think that is going to be a really neat thing. Surprisingly enough, the band is going to be Streetwise. So, everything fits together for that. It will be a really neat event. It is the last third Friday event of the season, so I hope everybody attends that.

[Banter regarding Third Friday events]

Councilman McKay: Another event that is just a bunch of fun that is coming up is the Wine Walk scheduled on a third Friday in September. So, that will be September 16. Participation advertising will be upcoming on that. Then, you know, we are going into Halloween and they do all kinds of neat things downtown for that. They are going to have some new events this year. If you are familiar with geocaching is. Dan Stewart is going to be heading up a geocaching event October 1. We are talking about...

Councilman Jaehnig: The question is, "What is that?" The answer is it is an ultra-modern scavenger hunt with GPS systems.

Councilman McKay: We are talking about possibly having caroling downtown in December. Then, Holidazzle is coming up. We've got a lot of things happening. I am really, really happy for the downtown.

President Ertel: One thing about the Wine Walk. Tickets have to be bought ahead of time, I assume. Where may those be sold at?

Councilman McKay: I think for sure the hotel, but there will be other locations where you can purchase those. Once again, advertising should be coming out on that just right away. They have a finite number of folks that they'll take, so you'll want to get yours early.

Councilman Jaehnig: Not to interrupt you, Mark, but I think the new Murphy season is very exciting coming up.

Councilman McKay: Thank you. Actually, there are 23 events scheduled at the Murphy this year, not including six movies. So, there are going to be movies at the Murphy starting in September and every month thereafter... things like *Gone with the Wind*, *Top Gun*, *Raiders of the Lost Ark*. You'll get to see them on the big screen again. So, the Murphy is doing great. They have a new roof over the stage.

Councilman Jaehnig: Is the air conditioning in yet?

Councilman McKay: I think it is a very close. That is all I have, Mr. President.

President Ertel: Thank you. Very nice report. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

President Ertel: Excellent. Thank you. Service Manager and/or Director?

Service Director- Service Director Larry Reinsmith: I have a little reminder. This is a good time to remind people, with the election coming on. I will just kind of read this, because I scribbled it out. This is a friendly reminder. No signs, being temporary or permanent, are permitted on the street right-of-ways or utility poles within the City. On most streets, the right-of-way is the tree line or the area between the back of the curb and

the sidewalk. Now, these signs include business signs, political signs, real estate signs, and yard and garage sale signs. Our policy will be, if we find the signs, we will pick them up and we will take them either to the Police Department or the Street Department. We have quite a collection already. It seems like it just gets out of hand. People come in from out of town. I know one of them is Cole Furniture. They put them up and down Rombach and all of the Streets and that is clear down in Mt. Orab. They clutter up everything. The other day, I came out of Doan Street and I wanted to turn onto South Street there. I looked back toward town, and there was a Garage Sale sign this big hanging on a power pole. It was a real safety issue. I know they didn't get permission from DP&L to put that there, so I went out and tore it down. Some people use little signs and some people big signs and there is no real distinction. The code just says no signs are permitted in the right-of-way. I want to put this reminder in the paper because we have a lot of violations and we do pick them up a lot. I know some of the new candidates may not be aware of that. Sometimes, you'll go out and it looks like somebody just pulled up in a car and they were dumping them along the curb there. I just want to save you some money. Our Prairie Road project is moving slowly, but it is moving. I was walking with the crew and I find out that these crews aren't as big as they used to be because the work is not there. The crews have downsized. They'll get it done, but they're kind of spread a little thinner now. Thank you, Mr. President.

Dick Unger: I think you'll find Lincoln and Lorish Street is a good place to gather signs, probably starting tonight or tomorrow for weekend garage sales. That would be an excellent place to go.

Service Director Reinsmith: Usually they are today. They run those garage sales on Fridays. That's the big day for garage sales.

Paul Hunter: The one on Doan has been there for 2-3 weeks.

Service Director Reinsmith: I took it down. I think they put it back it up. That's the thing. A lot of these people put them up, but they don't go back and put them back down.

[Discussion and banter regarding garage sales]

Mayor Raizk: If you see something, just call up.

Service Director Reinsmith: Another issue. Apparently a guy called up and there had been a sign up in the right-of-way. He mowed and he got all of that wire caught in his mower. That's a real situation there.

Paul Hunter: Some people even hang them on stop signs.

[More banter about political signage]

Scott Kirchner: Is it only new candidates that tend to make the mistake, or do old candidates make the mistake? Are you singling anybody out?

Service Director Reinsmith: Even the old candidates, they have friends who don't know the rules.

Scott Kirchner: That's why I wondered, cause I've seen a few...

Service Director Reinsmith: You know, it gets to a point where it just gets out of hand, and I think, "I can't take any of these signs down, because everybody will be mad." I do it within reason. You'll get these empty lots on the corner, and there will be 20 signs all the way around the corner. Everybody.

Mayor Raizk: Scott, the thing that is also kind of comical as well is that sometimes a candidate's campaign committee will come up there and say someone has stolen all of our signs and they will come and make the complaint to the police department, and the signs will be there at the police department.

President Ertel: Okay. Thank you, Larry. Safety Director?

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

Reports:

A motion was made by Wells and seconded by McKay to approve the Auditor-Treasurer's Report – July 2011, 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.

Brian Stanforth: 620 Bernice Street. I would like to bring up a problem that we brought up over three years ago. We have a junk vehicle in the back yard next door to us that we have been bringing up. We have addressed the Mayor; we have addressed Ernie; we have addressed council twice about it. It is still there. Nothing has been done. Now there is another vehicle there sitting in front of their back yard that doesn't run. It doesn't move. The problem is growing in the neighborhood. I've counted just on my street and the next street over alone, six junk vehicles that ain't been moved... grass growing up around it. I would like to know where to go from here.

Mayor Raizk: Larry, didn't we go out and take a look at that the other day?

Service Director Reinsmith: I looked at it the other day again.

Brian Stanforth: I brought it up to Larry.

Service Director Reinsmith: While we've got the Law Director here, because this issue of this one truck has come up several times, Kathryn. Remember? I think the truck is in the back yard.

Law Director Kathryn Hapner: It makes a difference whether it is back or front.

Service Director Reinsmith: Granted, it might be his privacy fence. I think part of it is.

Brian Stanforth: It is. We put up a privacy fence so we would not have to look at it.

Service Director Reinsmith: But it's back there, and unless you stand on your roof, I don't think you could see the truck. I thought at that time there wasn't much that could be done about it.

Law Director Hapner: There's not. If it is not visible and if it is not creating a health hazard; there's no rats, snakes or whatever.

Brian Stanforth: I've lived there for over twenty years. Now we have mice and snakes coming into our yard because of that property and the property on the other side of us now. The worst two houses on the street, we live right between. They've got brush piled up by the back door, wild grape vines growing across the back of the fence, weeds growing up everywhere. The neighborhood is just going downhill. I'd like to know what to do.

Polly Stanforth: Should we call the Health Department also, because it is mice now too.

Mayor Raizk: It can't hurt, I guess.

Brian Stanforth: It's not just a junk truck; there's all kinds of stuff piled up back there.

Councilman Jaehnig: You said a second vehicle, and I think you used the term "in front of their back yard." Now what is that?

Brian Stanforth: They towed a vehicle in that is sitting in front of the gate that goes to their back yard.

Councilman Jaehnig: So it is at the side of their house?

Brian Stanforth: Yes.

Councilman Jaehnig: Is that one something we could address?

Brian Stanforth: What about the mess in the back yard, though? We spent money on a privacy fence so we wouldn't have to look at it. The mess just keeps growing and growing and growing.

Paul Hunter: It's a public nuisance.

Law Director Hapner: Well, maybe it is and maybe it is not, Paul. The thing is, you have to balance...

Brian Stanforth: They've got tires and everything else.

Law Director Hapner: Excuse me. You have to balance what may or may not be a public nuisance against the property owner's rights to do what they want with their property. You don't have to necessarily have to like what your neighbors do with their property, but they do have certain rights to do with it what they will. Now there is a line that it can cross, and if it becomes a public nuisance or a health hazard, then there are things that can be done. The Health Department can get involved with that. But, if things are not available from the outside, the City does not have the right to go in there and just tell them to clean up if there is not some visible obstruction and there is not a public health hazard.

Brian Stanforth: It is a public health hazard when there are mice and snakes.

Law Director Hapner: Then contact the Health Department on that.

Brian Stanforth: Okay.

Polly Stanforth: Also, the front yard of the same place he is talking about, it is getting really trashy also.

Law Director Hapner: The front yard, things that are visible from the street, those are things the City can address.

Polly Stanforth: Right. We just don't want mice in our house because of them. They are everywhere because of them.

Service Director Reinsmith: I guess we are still talking about the house on the left when you're talking about the trash in the front yard. When we were there and I saw her out in the front yard, I didn't see trashy stuff. I saw things...novelties.

Polly Stanforth: Buckets?

Service Director Reinsmith: Old buckets can be antiques.

Paul Hunter: They're seeking relief.

Service Director Reinsmith: I know that. Sometimes, things aren't illegal. You may not like them, but they're not illegal. Like I said, nothing really stood out to me like what they're talking about.

Councilman Jaehnig: I think the unfortunate thing is that we as citizens don't concern ourselves with our neighbors and the effects that they have or the effects that it has on the city and the way the City appears and presents itself and so forth. It would be nice if

everybody took a responsibility to stand up and say “Yeah, I’m going to do my part and take care of my property so that my neighborhood is good and the community is nice and we are able to attract new people to our community and new businesses.”

Unfortunately, not everybody is willing to do that and in some cases is able to do that. I would suggest you definitely see the Health Department. The stuff in the front yard and the new vehicle on the side of the house, what is the time line that...?

Law Director Hapner: After they’re notified?

Councilman Jaehnig: No. Before we can even approach them about the new vehicle?

Law Director Hapner: First, you have to determine whether it is a junk vehicle. There is some criteria...whether it is has an expired registration, whether it runs...

Councilman Jaehnig: Whether it has tags.

Law Director Hapner: Right. Because the thing is, if it has a current registration and it runs, it doesn’t matter how long it sits there. It’s not necessarily a junk vehicle.

Councilman Jaehnig: As long as they are not running a garage out of there.

Law Director Hapner: Right.

Paul Hunter: If it is a junk vehicle, it doesn’t make any difference whether it is front or back yard, right?

Law Director Hapner: Once again, things that are visible from the street, they are publically visible, the City can attend to. But the City does not have the right to go into somebody’s back yard when it is not visible from a public street, alley, or sidewalk.

Paul Hunter: This is under a different setup than the junk car that you guys past in ’05. Where it was spelled out what a junk car is, it was separate issue from the nuisance.

Law Director Hapner: I understand what...

Paul Hunter: You can’t have a junk yard and you can’t have junk cars.

Law Director Hapner: I understand that, Paul. But, the city is still confined by the rights of landowners to be free from government interference.

Paul Hunter: So, the ordinance is moot.

Law Director Hapner: No, it’s not. You’re twisting what we’re saying. I can’t just go into somebody’s yard and decide to inspect it. The City can’t do that. They don’t have the authority to do that.

Councilman Jaehnig: I take it that you don’t have an alley going behind you.

Service Director Reinsmith: No. They don’t want to talk about what’s behind them.

Brian Stanforth: No.

Councilman Wallace: I can tell you that it is very frustrating for all of council members because we go over these things all of the time. We try to deal...

Brian Stanforth: We were promised three years ago that something would be done. Ernie did go back there and look at it.

Mayor Raizk: And, they keep registering the vehicle.

Polly Stanforth: We were told that they were going to tow it. They had 48 hours, but no one ever towed it out. They actually lied to us about that towing. They did.

Brian Stanforth: Ernie did. He sent a notice saying it would be towed in 48 hours.

Mayor Raizk: We also found out, in consultation with our legal department, that we did not have the authority to tow it out of the back yard. We didn't lie to you. We tried.

Service Director Reinsmith: I think we were told that if we towed it we could be cited for trespassing.

Mayor Raizk: Theft.

Law Director Hapner: Theft.

Polly Stanforth: But I was told. They shouldn't have told me that.

Mayor Raizk: But we were trying. Under further review, we were told that we weren't allowed to do that.

Councilman McKay: There is a new health commissioner, I believe. So, she might want to cut her teeth on that. Go over and visit with her. She is a nice lady.

Mayor Raizk: That would be the place to go. At least try that avenue. We can't enforce that part of the Health Department. If they can, that would be wonderful.

Dick Unger: Wouldn't your zoning laws fall into place here about storage of material like that?

Mayor Raizk: It is not prohibited under there.

Brian Stanforth: So, I can run a junk yard in my back yard.

Mayor Raizk: No, you can't. Not a junk yard.

Brian Stanforth: Well, I can have junk cars back there. I can have all the junk cars, old vehicles that don't run...

Polly Stanforth: Is that right. Can we?

Brian Stanforth: It's fenced in. Nobody can see it.

Law Director Hapner: If you're not running a junk yard.

Mayor Raizk: That is what we found out before. Every time we would go over there, they would pull the registration, and they would keep registering it for some reason. I don't know why you would pay \$45 or whatever it is to register, but they do. We have done that more than once to track the registration.

Councilman Wallace: Doesn't it have to run? Don't the wheels have to turn?

Mayor Raizk: I believe so. But again, it is in the back and it is not visible from the street. It is not in the driveway or in the front part. It might be something that we might want to look at legislatively and see if there is some way to do that. Right now, we are having difficulty where it is not in view.

Service Director Reinsmith: We have difficulty moving a junk car that is in sight, in view in the front yard. We go through the processes and we go to court. Look at Lytle Place.

Law Director Hapner: The fact is, it doesn't matter how often we take cases to court and we can win them in court, but if they are given x-number of days to clean it up, there is nothing we can do about that. We have to follow whatever the judge's order is.

Paul Hunter: The police have a role to play in this too, do they not? As far as public nuisance, they have enforcement authority in the ordinance. Whether they are outdated or not, I can't say. There is an ordinance dealing with the police and public nuisance. They have the authority to remove a nuisance.

Law Director Hapner: Yes, but first it has to be determined to be a public nuisance.

Paul Hunter: If you can determine that, then somebody can act without much...

Mayor Raizk: It is kind of difficult. But yes, it could be.

Jonathan McKay: 371 High Street. For a long time, I've been the youngest person up here at the City Council meetings. Now, I have a younger member. I have been blessed to be able to teach an AP Government class at Wilmington High School and Wilmington City School Board Member Bill Liermann is back there. I wanted to introduce you, Bill. I have Jane Kincaid with me, and she is from my AP government class. I am going to have a long-term subbing position for this government class, and throughout my tenure, we're going to have different young people coming up and experiencing government in action. She saw it tonight, that is for sure. There are going to be five of us walking in and out. One does live out on the outskirts of the City, so we will be going to a township trustee meeting. But, they volunteered to do this. They said, "If we are going to take this upper-level class, which will count toward college credit, they said, we want to see government in action. Mr. Stuckert and Councilman Wallace probably have seen her around and Councilman Stuckert probably taught her regular government at some point. I wanted to introduce council so they understand what is going on and all of that.

Councilman Jaehnig: I hope she gets extra credit.

Jonathan McKay: We'll work something out.

Councilman Jaehnig: Nice seeing you, Jane.

President Ertel: Thank you. Thank you for coming.

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 McKay to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Wednesday, August 31, 2011, at 8:00 a.m. with President Pro Tem Sandy Mongold presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, absent; Wallace, absent (joined meeting later); Mead, present; Mongold, present; McKay, present.

President Pro Tem Mongold introduced the Auditor as the first agenda item. As David Hollingsworth was not in the meeting, she said they would move on and then let him speak later if he arrived.

Finance Committee: Mary Kay Vance announced that there were supplemental appropriations and transfers to go over and that she had included any requests she had received in the packet handed out. The first transfer was from Assistant Chief Weyand. It was from the supply line, which is in dispatch, to his incidental line of \$1000. Mary Kay said she thought it might be for uniforms. She explained that Assistant Chief Weyand was trying to arrange for uniforms for dispatch as part of working on the dispatch area to make it more professional.

Councilman Jaehnig said that he saw a uniform transfer later on the list.

Mary Kay Vance said that she was not sure exactly what the transfer was for and offered to call the Assistant Chief and come up to the meeting to explain exactly what the first transfer was for if the members present needed more information.

Mary Kay Vance said that the second transfer was from the community corrections program. She explained that they had originally given her the wrong information and this transfer was to correct that mistake.

Mary Kay Vance said that the next two transfers were from the permissive tax fund. She explained that this was the fund from which street repairs are paid. She explained that there was a line item that said transfer to bond retirement (which is the payment that would have been made on paying down the Lowes Drive/David Drive notes). She said that we did not pay down as much as we thought we would when we did the budget because we knew that the street paving situation was coming up. She also said that we are able to get the money out of the permissive tax fund at the county. She said that putting the two transfers in line gets the money into line to do the street paving that city wishes to do.

Councilman Wallace asked how much was sitting in permissive tax at the county.

Mary Kay Vance said she thought it was approximately \$120,000.

[Discussion about the amount of money in permissive tax]

Scott Kirchner asked what amount was left in the transfer to bond retirement fund after this.

Mary Kay explained that the city had already rolled the note and they paid the interest and whatever extra principal that was required as a minimum amount. She said she did not have the exact figures in front of her, but \$218,000 had been appropriated.

[Discussion of rolling the bond note]

Mary Kay explained the difference between the revenue line and the expense line. She also explained that transfers do not directly affect the revenue line. Supplemental appropriations are the items for which you need revenue to offset.

[Discussion of the logistics of appropriations, revenues and expenses]

Scott Kirchner reiterated that the transfer to bond retirement was originally put into the budget, but that the city was moving that money into another line item in order to do the street paving.

Mary Kay Vance agreed.

Scott Kirchner asked what amount was rolled over and Mary Kay said it was approximately \$1,102,500.

[Further discussion regarding city finance procedures]

Scott Kirchner asked if the decision to make this transfer would in any way damage the city's financial position in being able to roll the bond in future years and increase volatility of the city's financial status.

Paul Fear said that it was a possibility but he thinks it unlikely in the City of Wilmington.

[Further discussion of the bond market]

Mary Kay said the next item was the transfer from communications salaries to the uniform line item. She said the last transfer was to pay the bill for the company who administrates our Worker's Compensation program. She said the bill was \$35 more than what was expected so monies needed to be moved to pay this.

Councilman Wallace asked if they thought they would have to come back and do a supplemental on communication salaries at a later date.

Mary Kay explained that we had lost an employee in dispatch that had not been replaced, so there should not be a problem. She offered to call Assistant Chief Weyand for clarification.

Mary Kay said the first two supplemental appropriations reflected legislation that was passed two weeks ago for UDAG loans. The supplemental is required to put the money in line for the loans that were approved for The Cutting Room and for 14 N. South Street.

Councilman Jaehnig asked if the amount on the Amanda Boldman was an additional \$23,000. Mary Kay Vance said that the total amount was \$23,000 of the loan and that none of it had been previously appropriated.

Mary Kay explained that the next few were Direct Deductions. She said that this is the amount the County directly deducts as a charge to handle our money from the real estate tax. She further explained that we receipt in the full amount and then expense out the deduction. She said that we estimated this amount low this year and now have to adjust. She says that this means that we got a little bit more than we had expected so the percentage was larger.

[Explanation about how supplemental appropriations are taken out of specific funds, not just the General Fund]

The mayor entered the meeting to see if anything was needed.

Mary Kay said that the last supplemental was from the Police Fund to Vehicle Maintenance. She said this was for a reimbursement from Chrysler to fix a vehicle that was previously recalled.

Mary Kay said the last items are two then and now notifications. Mary Kay explained what a then and now is and what year's budget it comes out of.

[Discussion about the then and now and how it is a notification, not a permission]

President Pro Tem asked if there were any more questions. She also stated for the record that Councilman Wallace joined the meeting and would be voting.

A motion was made by Jaehnig and seconded by McKay to move the supplemental appropriations, miscellaneous transfers, and then and now notification to the September 1 council agenda.

Motion passed.

Items will be moved to council agenda for September 1.

A motion was made by Mead and seconded by Wallace to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, September 1, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

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

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: At this time, I would like to recognize Cindy Camp and Tanya Snarr to talk to us a little bit about the Murphy Theatre. If you would, please come forward.

Cindy Camp: Good evening. As president of the Board of Trustees for the Murphy Theatre, I would like to introduce to you tonight our new directors of the theatre. After having run the theatre for about seven months, the board decided it was an overwhelming job for one person. So, when we had these two candidates apply, each one of them had special qualities that they could bring to the job. We decided to break it into two different director positions. So, I am pleased to introduce to you tonight our Director of Operations, Rick McCarren, and our Director of Development, Tanya Snarr. And, of course, our Artistic Director is Timothy Larrick and he was unable to be here tonight due to a commitment at the college. We are excited about the Murphy Theatre this year. We feel like we have a great season to offer the community. Something for everyone – all age levels. We have some new things going on. We have online ticketing this year, so you can go on our website themurphytheatre.org and pick your seats and buy your ticket and come to a show. We hope the community will join us in our excitement and support the Murphy and its upcoming season. Always remember, as we always talked about, the theatre does not belong to me or them, it belongs to each of you...all of us...it is a community theatre. We are the guardians of that theatre.

Tanya Snarr: I am very excited. One of my first official roles in this job to personally invite each of you on City Council and elected officials to our first show. It is an appreciation for all of your support and your commitment to the community and to the arts for the help with getting the HUD grant to get our new air conditioning and to replace our heating. You all will be receiving in the mail an invitation. If you will please RSVP, it will be for you and a guest. We have some seating reserved and we want to make sure we have enough and can release some of those tickets if we need to. The first show is "To Honor Their Service." It is next Sunday at 3 p.m. It is directed by our very own Steven Haines. We are very excited for this show. He is going to have a community chorus. Matt Spradlin is going to direct the community band. It is just going to be a spectacular show. It is a tribute to all of those serving in the armed services as well as the people on the home front. It is just a really neat...there is a lot of dialogue within the performances and it will be a very good show. We would love to have you. We have broken the season down. This is the first show in our Time to Remember series. We have a comedy series. We have a family series this year for the kiddos and beyond. Grandparents and for the little ones. It will be a fun series. The tribute series which will of course include Mike Albert as Elvis, Eagles, Pink Floyd, and there will be a Kiss tribute this year. Then our Blues and Jazz series. It is going to be an amazing series with the Dayton Jazz Band. We would love to have you all support the Murphy this year. We are very excited about a lot of things we have brewing there. So, please join us.

Cindy Camp: Also, we would like to thank the City for the grant that enabled us to repair part of our roof that was badly leaking – the matching grant that the Murphy was able to match with your support. So, we really appreciate that.

President Ertel: Thank you.

Councilman Jaehnig: I have a question for you. How is the heating and air conditioning project going?

Cindy Camp: Very well. Tomorrow morning Weller out of Hillsboro will be delivering a chiller unit and they will be placing that on top of the roof and proceeding with getting that connected. We were afraid that we wouldn't get it in time and have air conditioning for our first show, but it looks like that is all going to work out now. So, we are real happy about that.

Councilman Jaehnig: Congratulations.

Cindy Camp: Thank you.

[Applause]

President Ertel: I would like to call on Jonathan McKay. Jonathan, do you have a guest with you tonight.

Jonathan McKay: I have Scotty Liermann with me this evening. He is from my AP government class – another one of my esteemed students. Of course, school board member Bill Liermann is somewhat related to this guy in some form or another. I'm not exactly sure how. Anyway, he is another one of my students – my wonderful group of five. We have one more City Council meeting until I am relieved of my duties. We will get them all up here. I promise.

President Ertel: Very good. Thanks, Jonathan. That does my portion. Mr. Mayor?

Mayor – Mayor Raizk: Yes. I have a proclamation. If I can have the folks from Health Recovery Services. This is a very important week. We are proclaiming from September 4 to September 11 as National Suicide Prevention Week. I'm going to read the proclamation:

***WHEREAS**, The City of Wilmington recognizes suicide as a public health problem and suicide prevention as a responsibility; and*

***WHEREAS**, The 2011 National Suicide Prevention Week is September 4-11. This week overlaps World Suicide Prevention Day that is recognized internationally and supported by the World Health Organization and locally by the Suicide Prevention Coalition of Warren and Clinton Counties; and*

***WHEREAS**, suicide is the 11th leading cause of all deaths in the United States and the 3rd leading cause of death among individuals between the ages of 15 to 24. Suicide is now the 11th leading cause of all deaths in Clinton County; and*

***WHEREAS**, an increase in the overall suicide rate in our country was seen in 2007, representing a change in the recent pattern of stability or slight declines. The suicide rate for those 15-24 years old has more than doubled since the mid-1950s, and the suicide rate remains highest for adults 75 years of age and older; and*

***WHEREAS**, in the United States, one person completes suicide every 15.2 minutes. It is estimated that 4.6 million people in the United States are survivors of suicide (have lost a loved one to suicide); and*

***WHEREAS**, the stigma associated with mental illness and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide; and*

***WHEREAS**, a great many suicides are preventable, and suicide prevention efforts should be developed and encouraged to the maximum extent possible; and*

***NOW, THEREFORE, I, DAVID L. RAIZK, MAYOR** of the City of Wilmington, Ohio, in do hereby designate September 4 through September 11, 2011, as:*

“SUICIDE PREVENTION WEEK”

in the City of Wilmington and urge all citizens to join in efforts aimed at increasing education on issues surrounding suicide and suicide prevention.

[Picture taken]

Mayor Raizk: There you go. Thank you all for coming.

Patti Ahting: I am the Associate Director for Mental Health Recovery Services of Warren and Clinton Counties and also the chair of the Suicide Prevention Coalition for the two county area. I am joined with me by three of our coalition members. I have Jessica Braun, Barbara Adams-Marin and Jane VanConey. They came to attend with me. We want to express our thanks to the Wilmington City Council for bestowing this proclamation. Suicide is a public health problem, which is preventable. We know that approximately 90% of those that die by suicide have had some sort of depressive illness. Sometimes that is not diagnosed and sometimes it is not treated. It is important to share the hope and know treatment is available. It is available on a free-to-sliding-scale fee basis, so that should not be a barrier for anyone to reach out and get the help that they need. So, it is important that we work together to share that message and share the hope as well. This is one step, and we certainly appreciate that. I should mention we are always looking for new members to our coalition, so if anyone is interested, please let us know. I put some brochures over on the table to share as well. Please feel free to call us if you have any questions. Thank you.

[Applause]

Mayor Raizk: This is a public health issue and something that everyone should be concerned about. That is all I have, Mr. President.

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 –Auditor David Hollingsworth: Just real quickly, I spoke with Mary Kay, my Deputy Auditor, this afternoon. We are going to start the budget process. I was going to meet with the mayor. She thought maybe you were having a meeting tomorrow with the supervisors.

Mayor Raizk: Yes.

Auditor David Hollingsworth: You might kind of prompt them that it is time to start the process. We are going to be putting together what sources of revenue we are going to have to work with for the upcoming 2012 year to give to the department heads. We will see what we have to allocate to work with for 2012. We also received word today from the County Treasurer that we are going to be receiving another \$121,000 in inheritance tax, which will put us at right around \$240,000 for the year, which is money that we didn't budget for at the beginning of the year. That will help to alleviate some of the pressure on the general fund. Not all of it, but at least it will help. I just wanted to make you aware that we are starting that process. Sandy, when you get to finance, I just want to clarify. I was unable to attend the meeting on Wednesday. I would like to just clarify the then and now when you get to that. That is all I have.

President Ertel: Okay. 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 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4983 passed as read.

Councilwoman Mongold: The second 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4984 passed as read.

Councilwoman Mongold: The third item tonight is a resolution authorizing payment of expenses, the then and now notification.

Auditor: I thought I would just give some clarification as to what is happening or what the state is making us do. In this particular, this is probably a pretty good example. This is in regard to the Nelson Ave. project. That project was under contract in 2010. It was pretty much, I think, finished. With those purchase orders, when it comes to the end of the year, we do not cancel those open purchase orders that we have committed contracts to. They simply roll over from one year to the next. But since it is a 2010 in this case project, we are not expending it until 2011, any expenditure like that where it carries over from one year to the next, if it is more than \$3000, the state auditors mandate that we notify you that we are spending money that was actually committed in the prior year, but we are not paying for it in the current year. So, it is reflected in our year-end balances. When you look at our cash report that is generated on our system, we show an unexpended balance and then we show encumbrances. Included in those encumbrances are outstanding POs that we have contracts on plus any checks that have not cleared the bank yet that we've actually cut. Then we come to an actual unencumbered balance on our report. So, that money is actually reflected in the year-end balances, but we have to formally notify you that we are spending money in the current year that was actually a prior-year project that was under contract.

Councilwoman Mongold: Thank you. Any questions over that?

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

Motion passed

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2254 passed as read.

Councilwoman Mongold: The last item tonight is another resolution to approve liens pursuant to chapters 729.49, 743.04 of the Ohio Revised Code and Chapters 923.09, 929.03 and 1729.03 of the Codified Ordinances of the City of Wilmington. This is for the utility delinquencies, mowing, debris removal, etc.

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

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

Motion passed.

President of Council declared Res. No. 2255 passed as read.

Councilwoman Mongold: That is all. We will be letting you know when the next finance committee meeting will be held.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: There is no report this evening.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Wells: Mr. President, we have two items on the agenda tonight. The first is the second and third reading on an ordinance changing the traffic control map of the City of Wilmington, adding a no parking zone on the east side of Grant Street. We had a Street Committee meeting. We had thought about making an amendment, but after further discussion, we are going to leave the ordinance as is. Tonight, I would ask for the second and third reading. Are there any questions or discussion?

A motion was made by Wells and seconded by Wallace to suspend the rules and give the second and third reading on the ordinance Changing the Traffic Control Map of the City of Wilmington Adding a No Parking Zone on the East Side of Grant Street.

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

Motion passed.

President of Council declared Ord. No. 4985 passed as read.

Councilman Wells: The second item would be the third reading on an ordinance changing the traffic control map of the City of Wilmington, adding a no parking zone on the east side of Josephine Street.

A motion was made by Wells and seconded by Stuckert to give the third reading only on the ordinance Changing the Traffic Control Map of the City of Wilmington Adding a No Parking Zone on the East Side of Josephine Street.

Motion passed

Director of Law read ordinance by title only.

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

Motion passed.

President of Council declared Ord. No. 4986 passed as read.

Councilman Wells: That is all we have under streets, Mr. President.

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

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

President Ertel: Okay. Wastewater/Sewer?

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

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have three items on the agenda tonight, Mr. President. Our first item is the first reading on an ordinance authorizing an amendment to the Enterprise Zone Agreement between the City of Wilmington and the Board of the Commissioners of Clinton County. This is the expansion of the enterprise zone to cover the territories that were annexed into the City that are not currently covered. Any questions in regards to that?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Authorizing an Amendment to the Enterprise Zone Agreement by and Between the City of Wilmington, Ohio, and the Board of Commissioners of Clinton County, Ohio.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: The second item is the first reading on a resolution for the submittal of a proposal to the Ohio Department of Transportation for a Grant through the USDOT Federal Transit Administration. This is in regards to funding for our taxi service. Are there any questions?

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 U.S. DOT federal Transit Administration (FTA), as Authorized under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Fund Available from the Ohio Public Transportation Grant Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance.

Motion passed.

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

Councilman Jaehnig: The last item is the first reading on a resolution authorizing the mayor to enter into a contract with the Ohio Department of Transportation for the Elderly and Disabled Transit Fare Assistance Program. Again, this has to do with our taxi services. 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 Contract with the Ohio Department of Transportation for the 2012 Elderly and Disabled Transit Fare Assistance Program.

Motion passed.

Jaehnig requested that the second 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 – We don't have any legislation tonight, Mr. President, but I think I would be remiss if I didn't mention that we are going to have a very unusual event downtown tonight after council about dusk. In what used to be the Little Giant area, they are going to be showing a movie on the wall where the Coke mural is. It is put on by the folks that have been occupying the Little Giant this summer. It is a film called *Mon Oncle* which translates as my *My Uncle*. It is a 1958 film and that year it won the Academy Award for Best Foreign Language film – the Oscar – a special prize at Cannes, as well as the prestigious New York Film Critics Award. So, there you go. Who says there isn't anything happening in downtown Wilmington? That's tonight at dusk. They are going to have giant milkshakes and dessert burgers. Just bring something to sit on. Head on downtown after council.

President Ertel: Very good. Thank you, Mark. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

President Ertel: Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I have a couple of items. I took a couple of pictures today. This is our new solar panel project. We are getting those completed and ready to power up on those.

President Ertel: Good. When do these go into operation?

Service Director Reinsmith: We're doing the interior inverter work right now. They're about ready to go.

Councilman Jaehnig: They look really impressive.

Service Director Reinsmith: Go ahead.

Clerk Laura Curliss: Those panels are going to be on the Green Ohio Energy Tour, which is happening around the state October 1 and 2. We will have people out there staffing all day those two days. We will get visitors around the state coming through. We might do a ribbon cutting on that Saturday. We're trying to work on that too.

Service Director Reinsmith: I also want to discuss a new policy and procedure we're doing on picking up old furniture by our landfill personnel. There's a serious outbreak of bed bugs in the city and all over, to tell you the truth – in all the cities. Our personnel have been picking up mattresses just full of bed bugs and sofas and chairs. You can see them laying around the city. Our employees don't want to pick them up and take them home. We've come up with different ideas. We've checked with different cities and how they've handled these problems. Some wear Tyvek suits. The problem is, you wear the suit and then you get back into the truck, and now you've got the bed bugs in the truck. We've come up with a plan. If you've got this type of furniture that you need to get rid of and you can put it in a pickup truck, you can bring it out to the landfill and we'll take it. It's not a problem. However, if you can't bring it to the landfill, we want it wrapped in plastic and sealed with duct tape. So far, it has been working out pretty good. If you can't buy plastic and duct tape, we will provide it for you. All you have to do is call the landfill and we'll drop off a little duct tape and a little bit of plastic so we can accommodate you. We're here to help you. We want to control these bugs. As we talked

in the meeting about some of the things you can do is take a can of spray paint and put a big red B on the mattress because I've seen situations where some mattresses are going out and the next day they've picked up, but not by our landfill people. So, they are going down to someone else's house. Then, that just spreads them more. So, if you can do something where you even take a knife and just rip the sofa if they are full of bed bugs it shows that they are unusable. Because people do take them home. We've put together this little brochure. This is going to start being mailed out with your water bills tomorrow. We'll help you out any way we can. We'll pick it up. If you can't seal it, we'll give you the materials to seal it and then we'll pick it up.

President Ertel: Very good. Thank you.

Service Director Reinsmith: One other item: we did open bids today on our street paving project and that engineering establish was \$188,000 and the bid came in at \$185,000. Melvin asphalt got the bid.

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

Safety Director – Mayor Raizk: No report, but just to follow up with what Larry said. We've been meeting and did a lot of research to put this together. Larry and Don Maher and Andrea did a tremendous amount of research on this. I want to recognize Andrea. She put this brochure together. She had done some research prior to this and so forth. I think it is important to understand about bed bugs that this is not an economic, social strata problem. Anybody can get them. I would also like to say that we did track down a rumor. We got a phone call earlier this week on Monday that there were bed bugs in bedding or things offered for sale Wal-Mart. Maybe some of you may have seen some signs. We have contacted the Wal-Mart people and that is not true. Someone had purchased something that... I don't know... we've all gotten some of those imported boxes. Something was in a box and it had a dead bug in the box. Not in what they bought. It was a rather large bug... like a water bug or something. It was not a bed bug. They have been going out there and making signs and sticking them on things in the store. We even doubt the validity of the call that we got. I know that people had called here and said, "Hey, we saw this sign." Wal-Mart assured us that they are not selling anything with bed bugs in them and they have procedures in place corporately that they do. I did want to say that publically because I think they may have been getting a bad reputation for no reason because people were saying... yes?

Linda Gallagher: Is there a way? Would people be able to call up the Health Department to verify rumors like that? I periodically have heard rumors like that...

Mayor Raizk: Linda, interestingly enough, you mentioned about the Health Department. We referred some people to the Health Department. They called them and they said they don't deal with bed bugs; that's not our deal. So then they called back and that's when we made some calls on their behalf to Wal-Mart. Again, we're not sure... when someone calls in, we're not sure of the validity of the caller. It may have been the person who is trying to start the rumor and so forth. We felt obligated to at least track it down. We did call the management of Wal-Mart.

Unknown female speaker: How is that not a Health Department issue?

Service Director Reinsmith: Theatres are good places to pick up bed bugs and, of course, hotels. You can go to a website called bedbugregistry.com. If you are going to stay somewhere out of town, you can check out and see if the hotel is listed on there because all of these people who have encountered bed bugs are real good about reporting to this website. You can go there and check that out.

Mayor Raizk: We are going to pursue the Health Department issue a little bit more just to see if there could be some coordination. We asked them to take the call, the people called and they ended up calling back. We did track down.

Unknown female speaker: If you wanted to hurt your competition in business that...

Mayor Raizk: I think that was the motivation maybe in this particular case. I did want to say publically if people have heard that rumor it's not true. This is still a serious issue and we need to be aware of it.

Paul Hunter: Why wouldn't the Health Department consider it part of their obligation. We're paying...

Mayor Raizk: I'm just saying to you what happened, Paul. I agree. I don't know why. We had the people call and they called right back and said... Again, we're not on the end of the call. So, when someone says they called them and they told me they're not going to help me or they don't deal with it. I don't know what was said. They may have said something else or may have told them to call someone else. I don't know what steps happened in that phone call. We're just on the other end of the other phone call.

Unknown female speaker: It may be because up until this point they hadn't found bed bugs actually carry any diseases.

Mayor Raizk: That could be. That could be. I don't know.

Unknown female speaker: It could be painful and upsetting, but there...

Mayor Raizk: That could be. I don't know how that works. Anyway, I think it is important. We want to put these in the utility bills and get them out so people can start doing that. We will pick this stuff up that is properly handled, or if they want to bring it, we'll do that. Donnie, I know, in some cases, I know some of you have seen some things around... He has gone actually to each individual house and talked to them about it. In a lot of cases, people have said, okay I'll get it out there," and they did bring it. We haven't had a confrontation or anything like that. Everyone was willing to work together to try to get rid of the problem.

President Ertel; Okay. Very good.

Dick Unger: I have a question related to the bed bugs. On the abandoned properties, such as the one next to me, there is clothing and things that have been thrown out against the house by the previous owners, yet we're not allowed to go over there because of the trespass law to do anything about it, yet the potential is there for bed bugs or whatever yet.

Mayor Raizk: I don't know, Dick. I'll have to look into this. I know where you're talking about. There are some soft goods. Most of that was hard. I didn't know there was some other stuff as well.

Dick Unger: Not only that place, but other properties where people have just packed up and gone and left. It is a breeding area there for bed bugs, lice, fleas, etc.

President Ertel: Very good.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Income Tax Report – August 2011, 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.

Brian Stanforth: 620 Bernice Street. I want to know where my rights are as a landowner and a taxpayer in the city. The city has lied to me and given me nothing but the runaround on problems in my neighborhood on enforcing code violations for years that they've made. So why even make all of these codes up? If nobody wants to do their job, then get rid of them, fire them. If you want to bring business into this town, let's clean it up. You're letting it go. It's a joke about the cemetery because it has been in such poor

shape and that goes for the rest of this town. Why would anybody want to come to this town with it being a mess and nobody wants to enforce the codes? I have reported several violations in the neighborhood a couple of weeks ago and nothing has been done yet. The Code Enforcer says he is too busy to take care of it right now. I called the Law Director trying to get some answers about some stuff and never got my phone call returned. For some reason, the neighbors found out that I complained and that is not supposed to happen. We feel like we're not being treated fair. Where's our justice in all of this as a property owner?

President Ertel: Thank you.

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

Councilman Jaehnig: I just want to comment back in regards to these delinquent accounts that we assessed to property taxes. One of the things that really caught my eye that I find very discouraging was the amount of banks or financial institutions on here, like Midwest Ohio Finances, BAC and Countrywide that are not taking care of their properties, are forcing us to do so, and aren't paying their utilities. I know they are not hurting as badly as the community residents are and I find it very disappointing. I felt they deserved special mention.

President Ertel: Bob? Yes?

Councilman Mead: I just want to thank and compliment the Streets Committee. I am not on the Streets Committee. I've been on the corner of Grant and Sugartree for fourteen years now. I have watched the trucks go through there and have problems for fourteen years. I've tried for many years to get something done with the parking over there. Fortunately, we tried again, and the Chairman of the Streets Committee, Don Wells, handled the request professionally, methodically, invited the adjacent residents there, and also had no problem at all. I want to say thank you, thank you, thank you. I'm not a truck driver, but truck drivers are people too and they need some respect. Thank you.

President Ertel: Very good.

Councilman Wells: I would just like to ask the mayor a question about Mr. Stanforth's problem. What do we have to do to get Ernie out there to kind of check out some of these problems? Is there anything specific we can do?

Mayor Raizk: Unless we have probable cause. Kathryn? We don't have any probable cause to go into the back yard. I can't ask somebody to trespass illegally. We have had some complaints about the front yard. The Service Director has been out there. He took pictures the other day. There is nothing enforceable.

Service Director Reinsmith: After the last meeting, I know the comment was made that the front yard is a mess. I couldn't go into the back yard, but I did take pictures of the front yard. I know sometimes there are things that people don't like, but it's not really illegal.

Paul Hunter: Why can't Code Enforcement use his authority in the ordinance to walk in any property.

Councilman Wells: Yes. That's sort of my...

Law Director Kathryn Hapner: The fourth amendment! Hello?! Search and seizure.

Mayor Raizk: Unless there is probable cause to do it, Paul.

Paul Hunter: I'm just going by the ordinance. It says he is authorized.

Mayor Raizk: He does have authority, but it has to be something that is defensible. You have also made mention a time or two about public nuisance...where the police can enforce a public nuisance.

Paul Hunter: It's never been done.

Mayor Raizk: You're saying it from that standpoint, Paul, but the reality of it is that you have to prove that it is a public nuisance to be able to enforce it. It is very difficult to prove.

Law Director Kathryn Hapner: There is a difference between a public nuisance and a private nuisance.

Polly Stanforth: Mice and snakes. Do you want them in your house or your yard? I don't.

Law Director Kathryn Hapner: But that may be a private nuisance and you have civil remedies for that. It is not necessarily a public nuisance. There is a difference between the two.

Paul Hunter: It's defined. One of the nuisances is defined, for example, junk cars. A couple of junk cars is a public nuisance. We don't use that old ordinance. I understand that. It should be taken out of the books, but it is in there.

Mayor Raizk: I am just saying...we will be glad to enforce when we have something that we can enforce and the court will uphold.

Polly Stanforth: So, we need more pictures of the back yard? What happened to the ones we took before?

Law Director Kathryn Hapner: No. You need a court order or a search warrant.

Brian Stanforth: How do you get those?

Law Director Kathryn Hapner: You apply to a court. A judge has to sign a search warrant or a judge has to sign a court order.

Paul Hunter: But the Code Enforcement would have to go get it, not the complainant.

Law Director Kathryn Hapner: And it has to be based upon probable cause.

Brian Stanforth: He investigated it a couple of years ago and said it had to stay covered. Now you are saying he can't do anything about it. He covered up for two weeks and that was it.

Polly Stanforth: You're twisting the story on us here.

Law Director Kathryn Hapner: I don't know what was said two years ago. My advice to you is that you should consult an attorney to see whether you have a cause of action as a private nuisance.

Brian Stanforth: This [expletive].

Polly Stanforth: Yes it does.

Brian Stanforth: So we are still getting the run around.

President Ertel: Okay. Go ahead.

Councilman Wells: So Ernie can't even go onto the property to look in the back yard.

Law Director Kathryn Hapner: He cannot cross up close. There is something known as the curtilage, which is the area surrounding your house. If the curtilage is closed with a fence so that it can't be seen from the public street or sidewalk, he can't cross that without proper authority. If it is not...if you can't see it...if it is out in general site and plain view then he can do something about that. If it is not in plain view, he can't.

Paul Hunter: So, the council's authority to the Code Enforcement is not valid. It says he can enter any property. It doesn't say he has to go to court. It says he is authorized to go into property to investigate whatever.

Polly Stanforth: That's how we read it.

Dick Unger: Otherwise, what you're saying is he could go...

[TRANSCRIPTION INTERRUPTED. END OF TAPE]

Law Director Kathryn Hapner: ...unless the person looking over it is six feet tall and can see over it...

Dick Unger: If there is no fence...

Law Director Kathryn Hapner: I don't know if there is or not.

Brian Stanforth: I put a privacy fence up so I don't have to look at it. I'll take it down if he wants to come and look at it.

Polly Stanforth: If that makes a difference, we will. That way, it will make a difference. Okay? We'll take a section down so it can be seen by us, then you'll have to do something about it.

Brian Stanforth: Your definition of a junkyard says two vehicles. They've got vehicles, they've got glass, they've got...

Law Director Kathryn Hapner: You cannot run a salvage yard there. That's clear.

Brian Stanforth: It doesn't say nothing about a salvage yard. It says the definition of a junkyard. So, you are twisting it to say what you want it to say now...like you're protecting them.

Law Director Kathryn Hapner: No I am not. My understanding is you had a complaint that he was running a salvage yard. He has been served with that. He has been told to cease and desist. My understanding is that in compliance with that. That is not an issue.

Service Director Reinsmith: Kathryn. You're mixed up.

Law Director Kathryn Hapner: Is this a different property?

Service Director Reinsmith: It's on the east side of town...the junkyard is.

Polly Stanforth: Two junk cars is classified as a junkyard when there's glass. Where does it say that?

Brian Stanforth: It's right here, under 1131.31 Junkyard.

Councilman Jaehnig: Is it operating as a business?

Brian Stanforth: No.

Paul Hunter: It doesn't say...

Brian Stanforth: It doesn't say anything about business. It says when it is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to... It doesn't say anything about a business.

Polly Stanforth: And it don't say nothing about a fence making it okay to have a junkyard or a mess.

Brian Stanforth: It says right here, the Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions.

Law Director Kathryn Hapner: That's constitutional restrictions: the Fourth Amendment.

Mayor Raizk: Also, it is the structure. If there were a safety issue regarding the structure, he does have the authority to enter. If we were talking about the structure, that would be the house because it is a housing maintenance code.

Paul Hunter: Which includes the surrounding area too.

Mayor Raizk: If we can get the probable cause to do that, then we will do that, but I am not sending him out there and getting him arrested for trespassing.

Brian Stanforth: What about the one sitting in the drive that I complained about two weeks ago? There is one sitting in the drive that has been sitting there for several months.

Polly Stanforth: And we think somebody told them...

Brian Stanforth: As soon as we complained about it, they started working on it.

Mayor Raizk: I can't answer to that. If you're working on it, you're allowed to do that in your driveway. Until we have the authority to do that, I can't send the man out there to do that. He would be glad to go.

Brian Stanforth: What about the one sitting in the drive? I told him about the one in the drive.

Polly Stanforth: That doesn't run. Gary Fisher towed it in. Call Gary Fisher.

Brian Stanforth: It won't move.

Polly Stanforth: It won't run.

Councilman Jaehnig: Does it have current tags and registration?

Brian Stanforth: It don't matter. It still falls under number two. It has to be five years or older or not operable.

Kathryn Hapner: There are certain things that take it out of the junk vehicle category. If it has current tags or registration, if it is operable or can turn on. I forgot off the top of my head what the third one is. Anyway, two of those three. I don't know what the particulars on this case are.

President Ertel: So that is of importance – if it is registered or has current tags.

Paul Hunter: Not under that particular ordinance.

President Ertel: Not under what you are talking about. But it is important.

Paul Hunter: There are so many of them and they are so confusing.

Councilman Wells: Would it be possible that we can maybe set up a meeting and review the law as it is. Maybe invite everybody.

Mayor Raizk: Sure. We just revised those last year.

Polly Stanforth: If it makes a difference, we could knock one fence panel out so you can see it for yourself and see if you would like to live there beside them. It's okay out front now. They cleaned it up a little, but out back it looks bad.

President Ertel: Okay. We understand the situation now. Let's see what we can do.

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 Wallace to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met in special session on Monday, September 12, 2011, at 12:00 Noon with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Duane Weyand was also present.

A motion was made by McKay and seconded by Jaehnig to excuse the absent members. Motion passed.

Absent members excused.

President Pro Tem Mongold: Mr. Auditor.

Auditor – Auditor David Hollingsworth: I do not have anything.

Finance Committee – Deputy Auditor Mary Kay Vance presented a list of supplementals and transfers. She explained that the supervisors were there to discuss requests. She said that the first supplemental was from the community corrections fund and involved their grant. She further explained that they repeatedly give the wrong amounts to be transferred and this is another corrected amount. Mary Kay said that she has asked them to be more careful about tracking their dollars and has had conversations with them regarding draw down funds versus appropriated amounts.

Assistant Chief Duane Weyand explained that his supplemental was to cover additional costs in running the impound lot. He said that revenues come into the fund to cover the impound lot, but they are a little short on the amount appropriated to finish out towing for the rest of the year.

Councilman Jaehnig clarified that the money does not go back into the account.

Mary Kay Vance explained that the money does not go back into the line item, but it does go back into the fund that supports the line item. The money is in the fund, but an appropriation is needed to actually put the money in the correct line item.

Councilman Jaehnig asked what kinds of offenses usually require a tow.

Assistant Chief Weyand explained that they had a larger than normal amount of cars towed this year. He said that second-offense DUI and beyond require the car to be towed and impounded. All driving under suspensions are towed and impounded. There also have been a few times that they have towed a car for a stolen vehicle where they will be towed and secured, and there have been a few that have been involved in rapes. When cars are seized during felony investigations, the police department does not get reimbursed for the tow. Assistant Chief Weyand said that the other item he has is a transfer from uniforms to college reimbursement. He stated there was a request for college reimbursement and that it was required contractually for the bargaining units to pay for the college.

Mary Kay Vance explained that the next supplemental was from the sewer fund to the facility maintenance line.

Harry McVey explained that Building No. 1 is where the sewer crew is and also some of the TBS offices. He said that TBS has Building No. 2, 100%. In order to separate the gas lines there, Vectren is making them put in another meter. This is the only way to know for sure what the city uses versus the tenant uses. He said it is going to take about \$25,000 in order to rearrange the piping for the separate metering.

Councilman Jaehnig asked if the bill would then go directly to Total Baking Solutions or would it still go through the city.

Harry McVey explained that it would still go through the City unless TBS could come up with \$40,000 in order to get the meter in their name, which might be unlikely at this point.

Clerk Laura Curliss explained that this needed to be done regardless of who was renting the building.

Councilman Jaehnig asked what the situation was with the electric.

Clerk Laura Curliss explained that they have paid a total of approximately \$25,000 and that the rest was supposed to be this week.

Councilman Jaehnig asked if that was separated.

Harry McVey explained how the meters were separated and that we were able to keep track of those well enough.

Mary Kay Vance said that the last item had to do with the Sanitation fund.

Donnie Maher said that he was supplementing the fund to cover the account for the rest of the year for state and local fees. He said that we pay Ohio EPA, Clinton County Solid Waste District and Clinton County Health Department fees for every ton of trash that we take in. He said that we have had an increase of trash this year but there is associated revenue with that. He explained that the fees run normally around \$12000-\$15000 per month. He also said that he needs to transfer money into the vehicle fuel account for the heavy equipment used in the landfill. Mr. Maher explained that this was mainly because of the price of gas this year. He said that fuel consumption has been good this year but the price has gone up.

Mary Kay Vance explained that the last item was the resolution accepting the monies and rates from the budget commission and authorizing necessary tax levies and certifying them to the Auditor.

Clerk Laura Curliss asked if there was a way to verify that the amounts were correct.

Mary Kay Vance said that the City does not have that those figures and there was no way for us to check that. She suggested that Laura speak to Terry Habermehl, the County Auditor, if she has more in-depth questions regarding the formula upon which it is based. She explained that the final amount is normally more than what is expected.

[Lengthy discussion of valuation process, tax levies and the effect of enterprise zones upon amounts received by City from tax levies.]

Auditor David Hollingsworth and Deputy Auditor Mary Kay Vance said that the best person to ask regarding the details of property tax levies was Terry Habermehl, County Auditor. Sandy Mongold suggested that Terry Habermehl be invited to the next finance committee meeting to see if he could explain the levy process more in depth.

The members present agreed that they would like the County Auditor to come as they wished to gain a better understanding of property tax levies and their relationship to enterprise zones and tax abatements.

A motion was made by Jaehnig and seconded by McKay was made to move all three items (Supplemental Appropriations, Miscellaneous Transfers, and the resolution accepting the amounts and rates and authorizing tax levies) to floor of council for the September 15 meeting.

Motion passed.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, September 15, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane 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, September 1, as received.

Motion passed.

Minutes approved as received

A motion was made by Wells and seconded by McKay to approve the minutes of the special meeting, August 31, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: I talked to you a month or so ago about meetings with your committees in regards to doing cost reductions and whatnot. Laura should be following up with an email. Maybe at the next meeting you will be able to give a 2-3 minute report saying what you found out so we can get ready for the budget process. Beware of that. That finishes my section. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. There are just a couple of items. It was a great week last week in Wilmington and very busy with the Corn Festival going on. They had a great parade, which I almost made it all the way through. Scott asked me tonight, “Did you really break down?” I said, “Yes, we did, on Swindler’s hill.” We were gloriously towed in by a 1960 Mack semi-tractor that was beautiful. We had a good-looking car and a good-looking tractor attached by a tow strap. Anyway, it was a great parade. The attendance was wonderful, I think, and everybody had a good time. Also, I appreciate many of you who came out on Friday to our City annual 9/11 service and memorial. We had a good turnout for that. We had a good turnout at the county observing the tone-outs and the bells and the sirens at 1:00 on Sunday. Also, there was a tremendous turnout at the Murphy Theatre for the “In Honor of Their Service.” It was a great deal. I think Wilmington was done proud. I know there was also a great turnout at Bible Baptist for their celebration in the evening. I think Wilmington was done proud by its observance of the 9/11 memorial. Also, in the conjunction with that, I will just show this to you. The Wilmington City Schools presented to our Fire Department and our Police Department a plaque. I think you might have seen the picture in the paper, in their appreciation of the first responders of Clinton County, so we were very proud to get that. In speaking about 9/11, this kind of ties right in: September 17 through the 23rd is Constitution Week nationally. I had presented a proclamation to the DAR in honor of Constitution Week, as we do every year. I just want to make note of the fact that it is Constitution Week and it’s the 224th anniversary of the constitution. I have one other item. I think everybody got in their utility bills the flyer that went out on our bed bug situation and dos and don’ts. I think it was very informative and, as I said, I really want to thank Donnie Maher and also Laura and especially Andrea Tacoronte, who really did a fabulous job on the flyer. There was some discussion about the Health Department and so forth and what their role was. I have had several discussions with Pam Walker-Bauer, the new Health Commissioner. She gave us a letter outlining what their course of action is. She is supporting the action she took. One of the things, after being told of what we are doing, she wanted to applaud our integrated pest management efforts as being very proactive. She said a lot of communities don’t do what we did in terms of sending out this information and so forth. I was glad to find out that she was appreciative of our efforts. She sent out a nice letter to the city council. I’ll read it to you real quick. It doesn’t take too long.

Mr. Ertel and Members of Council.

It is my understanding that during the last regular council meeting on Thursday, September 1, that an issue/concern was brought forth regarding the Clinton County Health Department and our handling of bed bug complaints and inquiries. As a result, I want to reach out to you to provide some clarifying information.

In a joint statement issued by the Centers for Disease Control and Prevention and the United States Environmental Protection Agency in July 2010, bed bugs are not known to transmit disease. Therefore, the Clinton County Health Department focuses our bed bug efforts on education about prevention and integrated pest management. Integrated pest management is an approach of control by using multiple tactics, including preventative measures, sanitation and chemicals applied to target sites. We strongly encourage that severe infestations be treated by a licensed pest control professional.

Although I have not seen the official policy of the City of Wilmington's new pickup procedures, I applaud your integrated pest management efforts that were listed in last week's Wilmington News Journal. As a public health professional, I am appreciative of your proactive efforts to help prevent the spread of bed bugs.

Please do not hesitate to contact me if you have further questions.

Mayor Raizk: Also, if we have further concerns about this or any other, she has offered to come before council and answer those questions. That is all I have Mr. President.

President Ertel: Thank you so much. Looking at committee reports, Asset, Acquisition and Use?

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

President Ertel: Thank you. No Auditor's report tonight.

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

President Ertel: Finance Committee?

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

A motion was made by Mongold and seconded by McKay to give the first reading only on 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4987 passed as read.

Councilwoman Mongold: The next item is an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4988 passed as read.

Councilwoman Mongold: The last item tonight is a resolution accepting the amounts and rates determined by the budget commission. This is our annual resolution we do to certify the amounts of money we get from the county.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Motion passed

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2256 passed as read.

Councilwoman Mongold: That is all.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Wells: Mr. President, I have nothing on the agenda tonight; however, I do want to tell Larry, I meant to talk to him earlier. I had a citizen talk to me about Nunn Avenue. I guess there is an increase in traffic on Nunn Avenue and he was concerned about the condition of the pavement. I haven't had a chance to go out and look at it yet. If you are out that way, would you just look at it and see what is going on in that area?

Service Director Reinsmith: There are a couple of streets that are in need that there is no money for.

Streets Committee: That's all I have, Mr. President.

Mayor Raizk: Don, just to clarify that further. When we looked at all of the streets, obviously, we did look at Nunn Avenue and others. We take the top priority, the ones that are in the worst conditions, first. I travel it on a reasonably regular basis. We might be able to do a little patching or so forth just to hold it through.

Councilman Wells: That is what I explained to the gentleman.

Mayor Raizk: I know we can't do any repaving this year, but I think there might be a couple of places that we can fix up. I've noticed them; I have seen them.

Councilman Wells: Okay. Good. Thank you very much.

President Ertel: Thanks, Don. On the resolution coming around, there are three copies, so you can sign here and date. If you look back through there, there are two more. 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 three items tonight, Mr. President. The first item is the second reading on an ordinance to amend our enterprise zone agreement between the City of Wilmington and the Board of Commissioners of Clinton County. This would expand the enterprise zone to cover the areas that have been annexed into the city in recent years that currently are part of the enterprise zone.

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Authorizing an Amendment to the Enterprise Zone Agreement By an Between the City of Wilmington, Ohio, and the Board of Commissioners of the Clinton County, Ohio.

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: Laura, is item B just a single. I know we got that email from Phil.

Clerk Laura Curliss: Yes, B is single. C is second and third.

Councilman Jaehnig: The second item is the second reading on a resolution. This is in regards to funding for our taxi service, our transit service, with the state. Are there any questions regarding that?

A motion was made by Jaehnig and seconded by Stuckert 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 U.S. DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, As Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and 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: Our last item is the second and third item. You were notified during the past week of a filing deadline change by DOT. This is to allow the mayor to enter into a contract with the Department of Transportation for transportation for the elderly and disabled. This is the second part of our funding for the transit system. Are there any questions in regard to that?

A motion was made by Jaehnig and seconded by Mongold to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Enter into a Contract with the Ohio Department of Transportation for the 2012 Elderly and Disabled Transit Fare Assistance Program.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, 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 Mongold to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2257 passed as read.

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

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have no report other than we would like to thank our Police and Fire Department for their continuing professionalism in doing their duties. It has turned out to be a very difficult year, so thank you. That is all, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I talked in great length about some of the things that have been happening in our downtown the last week or so. We do have a Wine Walk tomorrow night in the downtown area. That's another great event. I know that some of you here plan to attend the event. Then, Saturday night is Cardboard City. It's a great fundraiser supported by the Morning Rotary. That is all I have.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report.

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

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Very good. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Stuckert to approve the Auditor-Treasurer's Report – August 2011, 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. Mr. Hunter presented city ordinances for yard sale ordinances, sign ordinances and junk car ordinances. He said the yard sale ordinances are not enforceable and should be rewritten as they just cause controversy between people. He said that he has been seeing fewer signs in the right-of-way. Mr. Hunter declared that Mr. McKay worked hard to make a good ordinance regarding junk cars in 2008. He went on that there seems to be some holes in the either the ordinances or the system of enforcement because many complaints are not resolved. He complained that the laws are made but they do not seem to be enforced. He said that citizens either do not make complaints or do not follow up on their complaints because they do not believe issues will be resolved. He brought up the issue of code enforcement not being able to go into a back yard without a warrant. Mr. Hunter suggested that in some cases, thorough attempts have not been made to see the violation from the street or that permissions from tenants or landowners have not been attempted. He suggested that the additional duties of engineering to the code enforcement officer's position has made it difficult for him to

uphold his code enforcement duties. He also said that too often when people ask for help in resolving code enforcement problems, the response from the code enforcement department is that the Law Director will not take legal action. He said that this suggests that the ordinances or unenforceable or need to be improved. He said that council members also are responsible because they are elected to represent the citizens. He said that some things have been resolved and used the Lytle Creek cleanup as an example. He said that Councilman Wells keeps asking for a meeting and then that seems to be the end of the discussions. He said that even when a meeting is held, no new procedures arise from the discussion.

Mr. Hunter was stopped as he had reached the 5-minute time limit for comments.

Mr. Hunter expressed his disappointment in the enforcement of the time-limit rule. He then went on to say that his main point was that the Police are using dispatcher's log to ridicule a reporter of crime, with some encouragement by various people within the city management.

Brian Stanforth: 620 Bernice. Mr. Stanforth handed out pictures of locations in his neighborhood that he believes are code enforcement violations. He stated that in order to draw businesses into this town, we need to clean up the neighborhoods so they are more attractive. He said that he called on August 19 and he is still waiting for the code enforcement officer to do something about the problem. He said that he called on four junk vehicles on Bernice Street, two on Norman, and one on Randolph. Mr. Stanforth said he also told the code enforcement department about some other problems in the area. He says there is a house on Norman Street that is empty and things are growing over the sidewalk. He says he is surrounded by bad houses, including a crack house behind him. He says that 632 Bernice Street has knee-high grass, appliances, and cat litter dumped on the property. He said that the pictures should speak for themselves on 608 Bernice.

Polly Stanforth: We live by a junkyard.

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

Councilman Jaehnig: In our conversation at the last council meeting, I believed that there was an invitation to come out to the property and look...that we legally couldn't look without violating the privacy of the individual but we could from their property. I believe there was an invitation at that particular time to do that...to see about violations. I was kind of curious if we followed up on that.

Polly Stanforth: No one came.

Law Director Hapner: Don't look at me. I'm not the Code Enforcement official.

Councilman Jaehnig: Am I misspeaking about what you talked about?

Law Director Hapner: No. That is what you talked about. You have to be careful. The state, in this case, when I say "state," I mean the government, can't do anything that violates somebody else's rights and their rights to be free from search and seizure. If the adjoining landowner invites the state onto their premises, you just have to be careful. There is a very fine line between being an invited guest and being an agent of the state. You just have to make sure you don't cross that line.

Councilman Jaehnig: I'm not sure I understand what you're saying...what the difference is between being an invited guest and being an agent of the state.

Law Director Hapner: I'm not sure I know what it is. Apparently the Supreme Court knows what it is, or maybe they don't, because they have cases going both ways.

Councilman Jaehnig: What do you believe it to be?

Law Director Hapner: I believe if the homeowner invites the state in solely for the purpose of examining the next-door neighbor's yard, I think that makes them an agent of the state. Let's say there is a domestic disturbance in the house next door and the police responds to a domestic disturbance and while there they notice a violation next door. They are not an agent of the state in that case because the state is there for legitimate reasons. If the sole purpose for being there is to see something that you could not otherwise see from the public view, then you run the risk of that property owner being deemed an agent of the state.

Councilman Jaehnig: Okay. I'm just getting my head around this. If a neighbor was growing marijuana in their back yard and it was a fenced yard but you could see it from the second story of your house as you are looking down to their yard and you called the police. Under your explanation, you would then be acting as an agent for the state.

Law Director Hapner: You may be.

Councilman Jaehnig: And what is wrong with that?

Law Director Hapner: I don't know what is wrong with that. You have to ask the nine guys that wear the black robes what is wrong with that.

Councilman Jaehnig: Well, I'm asking you because as our Law Advisor, you advise us on what we can and cannot do in an attempt to try to resolve some of these situations. I'm trying to get a better understanding. If this is going to come back before Judiciary again to review these ordinances and these resolutions, we need to have a clear understanding of what we can and cannot do so that we can put it in clear layman's terms so that we can move forward. Mr. Hunter, leaving early, stated there are some confusions in contradictory ordinances.

Law Director Hapner: Sure.

Brian Stanforth: We were told two years ago that this was going to be fixed as far as these ordinances were done.

Law Director Hapner: What you have to understand is that no one has the right to have perfect neighbors. That is not a right that any of us have.

Councilman Jaehnig: I understand that. But their neighbors should not be a risk to them either.

Law Director Hapner: But there is a difference between something being a public nuisance and something being a private nuisance.

Polly Stanforth: It's more than that. I've been sick for months, going to the doctor with allergies. That place is a mess and it is making me sick with the mold and the standing water in those cans.

Law Director Hapner: Like I said, there is a difference between something being a public nuisance and being a private nuisance. People may very well have a cause of action against their neighbor as a private nuisance, but that does not mean that the state has the right to go in and fix whatever the problem is. My advice, and I have said this repeatedly, is to consult your private attorney to see what your rights are.

Polly Stanforth: To sue who? You?

Law Director Hapner: Not me... whoever you're complaining about.

Polly Stanforth: You are the one getting ridiculous with this. It's a mess. Something needs done. We're not going to back down until you guys help us. We're right here now. You're going to help us.

Brian Stanforth: We can't afford lawyers. We're laid off. We're trying to keep our place up.

Polly Stanforth: You want us to sue you guys for this?

Brian Stanforth: We don't want to let the city go downhill.

Polly Stanforth: You don't want to do nothing to help. Everybody wants to...

Brian Stanforth: You want to find excuses why you don't do your job.

President Ertel: Okay.

Law Director Hapner: I think that's enough.

President Ertel: I think we've said enough. I understand your situation.

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

Michael Mandelstein: 1006 W. Locust. I have a question based on the explanation that our Law Director just offered concerning agent of the state. If I am to understand what you have just said, if someone reports some sort activity that they perceive to be in violation of a city ordinance, they could be construed as being an agent of the state. Is that correct?

Law Director Hapner: No. That is not correct.

Michael Mandelstein: Could I have more clarification then? Maybe I didn't hear well because I was sitting over there.

Law Director Hapner: If somebody sees a violation...I mean, you have to look at the circumstances involved.

Michael Mandelstein: Could you define what you consider to be a violation?

Law Director Hapner: Okay. If you are at home and you see someone breaking into your neighbor's house and you call the police, that is fine.

Michael Mandelstein: Would you not, in that instance, also be considered to be an agent of the state because you are reporting an activity that could be in violation of an ordinance...considering breaking and entering is a violation of an ordinance.

Law Director Hapner: No. Breaking and entering is a violation of state law.

Michael Mandelstein: Isn't there a local ordinance for that too.

Law Director Hapner: It's a state law.

Michael Mandelstein: Does the city not usually follow state law as far as adopting state law for purposes of enforcement?

Law Director Hapner: State law is applicable anywhere in the state. Wherever you are that is a state law. You see, ordinances only are going to apply to that particular city.

Michael Mandelstein: Are there examples of ordinances other than the one that has been discussed here this evening. Is there, perhaps, an ordinance on violating a stop sign or running a red light or is that also covered under state law and reporting of that would also be considered, if you are not a law enforcement office that observes it, would you also be considered an agent of the state for reporting that?

Law Director Hapner: No. Because that is public. If you're driving down the street, anyone can see that. I'm sorry, but I think you're being ridiculous.

Michael Mandelstein: I'm just trying to get to where the definition of agent of the state is...if a citizen is reporting something that troubles them.

Law Director Hapner: There is public view and there is private view.

Michael Mandelstein: So, if it can be seen from somewhere other than an adjacent private property. Then it is not necessarily a situation where someone reports and they could be considered an agent of the state, if in fact it can be observed.

Law Director Hapner: If it is open to public view, you are not an agent of the state.

Michael Mandelstein: So, if you drive by a piece of property (and to use the hypothetical that the good councilman just used), you observe the tops of marijuana plants over a fence line as you drive by the property. Then you're not necessarily an agent of the state if, as a citizen, you see that, observe it, and contact law enforcement.

Law Director Hapner: That is open to public view. Yes.

Michael Mandelstein: So, at the heart of all of this, if a violation or if a perceived violation of an ordinance is open to public view, then the reporting of that is not necessarily a situation where if a private citizen reports it, he is considered an agent of the state.

Law Director Hapner: That's right.

Michael Mandelstein: Thank you.

Law Director Hapner: You're welcome.

Michael Mandelstein: That is all I have to ask.

President Ertel: Thank you.

Councilman Wells: Mr. President, I would like to just say something. I used to live in the area right there where Mr. Stanforth lives many, many years ago. I told him earlier tonight that we didn't seem to have any problem at that time in our neighborhood. People took care of their property. You know, we did the best job we could and kept it clean. We're losing control. They have a problem. Maybe we can't see it, but if we have vermin and stuff coming from over there that is hurting them, we need to do a better job of enforcing this. We have to do something to help them. We've got to get pride back in our neighborhoods again. If we don't enforce it, it just gets worse and worse. I know we have several empty houses and trees down and overgrowth, but we've got to do something. I talked to Rob earlier. Maybe if we could have a meeting and review these laws and maybe make them stricter or maybe inquire how other cities are getting this done. We need to do something and not just let it go. That's just my two-cents.

President Ertel: Very good.

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 Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, October 6, 2011, at 7:30 p.m. with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

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

A motion was made by Wells and seconded by McKay to approve the minutes of the last regular meeting, September 15, as received. Motion passed.
Minutes approved as received.

A motion was made by Wells and seconded by McKay to approve the minutes of the last special meeting, September 12, as received. Motion passed.
Minutes approved as received.

President Ertel: The next item on the agenda here is the Mental Health and Recovery Services of Warren and Clinton Counties. They have campaign announcements. Step right on up here.

Brent Lawyer: Thank you, sir. Some of these gentlemen I recognize from this morning's meeting, so they get a second dose of this. Thank you for the opportunity. My name is Brent Lawyer. I am the Executive Director for Mental Health and Recovery Services of Warren and Clinton Counties. These boards are responsible for providing funding services to providers in both Warren and Clinton Counties for mental health treatment as well as drug and alcohol treatment services. In addition to providing funding that we receive from the State Department as well as federal funds and local levy funds, we contract with those providers. Then we look at the kind of costs and services that we are actually getting for the services that they are providing within your community for both mental health and alcohol treatment. Therefore, we evaluate things, monitor and then we determine what kind of changes may need to be made in addition to what they are already doing or instead of, so there is a lot of activity and work with our contract providers. Some of you probably know the provider here was previously called Mental Health Recovery Center of Clinton County and now they have remerged or merged with another agency in Warren County, our primary provider in Warren County, and they are called Solutions Community Counseling Centers. So, now they have a new name. It did not change the volume of the services, per se, but it helped us to again reduce some of the costs that we are all concerned about in how we are presently designed and to reduce administrative costs in the system. So, this is another way in which we are addressing that on our level. On November 8, we had on the ballot a Mental Health and Recovery Service levy. This is not a levy for new monies. It is for the continuation of existing tax. It generally costs a \$100,000 home about \$26.34, or 70 cents a day is what it really boils down to. There will be no change in your tax right now that you are presently paying. It will just continue to be as is. One of the things that I think is very important for me to share with you, when we are talking about services, is what is the volume of service that is actually needed. You may not know, but about half of the US adults will develop a mental illness during their lifetime. Half of us. At the same time, you may not know that mental illness does account for a larger proportion of disability in developed countries than any other group of illness, and that includes cancer and heart disease. So, in other words, when we address these problems for the people in the community it really does help to preserve our families in our communities and help provide great stability. Another factor I want to bring to your attention is that we did a needs assessment survey back in October. We are required to do that as one of the functions of the board with our contract with the State Department. From that needs assessment we then determine how

best to utilize our funds to meet the needs in the community. We do that particularly with the local levy funds as a part of this tax. Does anybody want to guess or have any idea (some of you already know the answer to this) what is the biggest concern or major concern that our registered voters have in both Warren and Clinton county? We did telephone interviews. It was a fairly large number of people that actually participated in this. Does anybody have any ideas?

[Inaudible response from the audience]

Brent Lawyer: He listened to my speech earlier. Jobs. Jobs and concerns about not having jobs and the overall economy is a tremendous concern in both Warren and Clinton counties. I want you to understand that we use these levy funds to provide counseling services for people that have in fact lost jobs and are dealing with the emotional distress of having lost their jobs and what to do in this day and age. As you can imagine, the need for our services continues to climb and to escalate because of the economy and its impact upon us. Also, I want you to know that as a board I was able to obtain a grant that not only allows us to provide the services for people in the community dealing with the emotional adjustments to job loss and the economy, we are also working with the state department in developing opportunities for job skills training. So, we are trying to address on both levels. We don't want to just address the emotional needs of people in those areas, we want to provide an opportunity for people to gain a new set of skills that will make them marketable, and that's for the mentally ill. That is something that we really need to do because we really believe in fostering recovery – not dependency upon the system or to maintain people, but to find an opportunity for people to recover and to be able to get back on track. Another thing that I would like to share with you, the fourth area, has to do really with how we use these local levy funds. It was mentioned by Ron this morning at Wilmington Schools in his speech that I totally agree with, that sometimes we get funds from the State Departments and federal funds that tell us how we have to spend those dollars and we have to spend them within a certain period of time. We like having new funds, but sometimes it restricts us on how we can actually use those funds for the betterment of the community. Sometimes we are faced with that. But I want you to know that with levy funds there are a lot more opportunities for us to take the dollars in and apply them to the services that are actually needed in your community. Such services that we provide again, besides supportive employment, are housing services for people. We also use those funds to provide counseling services for both adults and families coming in for short-term counseling services as well as we use monies for medications that people need to be on as well as part of their recovery. Prevention services are another source for which we provide or utilize those funds. Early childhood mental health and intensive home and school-based services: As I was sharing with Ron and the group this morning up here in Wilmington, we go into the schools. We go into your school systems and provide counselors that work with your teachers and work with the students when they are having particular difficulties and problems. We help stabilize them – to help them to be able to address their concerns and emotional distress, for whatever reason it may be, to get them back on track so it does not have to have a negative impact on their learning. So, we are working in conjunction with the school systems to be of help in that way. Another fact I want to share with you is that.... Let me just ask another question. This is mind-boggling to me because I am in this field – is the fact that we have been able to increase the number or people actually served in both Warren and Clinton Counties since I have been put in the position of Executive Director. I started marking and looking very closely at this. Since fiscal year '02, we have increased the percentage of unduplicated adults and families served by 75%. In other words, in fiscal year '02, we served over 3,720 individuals or families in our communities. By fiscal year '11, we have served almost 6,500 people. I am not counting these people twice from year to year. These are separate people. We are seeing a greater need for the services that we are providing. We are providing more services. What is mind-boggling to me that I want to share with you, is we have been doing this with flat funding for 10 years from the state department – until we started getting cuts in the last two years. I have gotten cuts over the last two years that are somewhere in there between 1.2 and 1.5 million dollars. We have been able to continue to provide these services and I have not had to pass on those cuts to your providers that affect services in your community. That is significant. I guarantee you there are very few boards in your state that would be able to say that. One reason why we have been able to do that is because

we have put together a very strong oversight mechanism on how we are monitoring what we are doing in our systems: a system of accountability. We have a quality business plan that has been developed that gives us direction and guidance on how we handle those dollars. Also, because of your growth, I have ended selling some buildings. Your facility was a few years ago right around the corner where Bennett Realty is now located. I sold that building to him a few years back. Your services are now located here in this community on S. South Street. We needed a bigger place. That place no longer met our needs. We outgrew it. We couldn't provide the level of services that were needed; we needed to move. Now it is right down the road from the department of Human Services and Children Services, which makes it a real nice fit, because there is often an overlap with some of the kids you have in that system as compared to our system. Let me just finish up by making a comment about the safety net of services that we provide. Some of your monies that we use- these monies are going toward providing 24-hour hotline service. So, if there is a crisis in the system, people get on the phone and call that hotline service and we provide emergency services. I also got us a grant that allows us to help develop a good relationship with your police departments and sheriff's departments in developing what we call a Crisis Intervention Team. We go in and work with them to help them – the police officers – and then we know how best to work with a person who may be having a mental illness at that point to keep them from having to go to jail as well as going to the hospital. We also have school crisis response teams as well that go into the schools to provide counseling. This morning...we have had three suicides since Saturday. I don't know those people. More than likely, they are not even involved in our system, but we have had three suicides in our two counties already and it continues to escalate and be a problem for all of us in our community. So, I just want to end – without treatment, people living with mental illness are rarely able to achieve success in schools, secure employment, maintain adequate housing or ultimately live a quality and productive life in the community. Everyone is affected. Yet, mental illness and drug and alcohol addiction is a challenge that we can meet. I ask for your support. Please get the word out. If we are not there, other places will suffer. You're going to have more people walking the streets. You're going to have more people that are homeless. You're going to have more people going to the jail that need mental health treatment, not to be put in jail and in prisons as well as in the hospitals. This is what we do. So, please vote yes on the proposed tax renewal mental health services levy for Warren and Clinton Counties. Thank you very much for your time. Any questions?

President Ertel: Thank you. We appreciate your coming. At this time I would like to acknowledge Steve Brown to talk to us a little bit about Main Street Wilmington.

Steve Brown: Thank you, Mr. President. About six years ago when I had applied for this job and I was waiting for the decision of DWCIC I happened to run across the mayor in the hallway downstairs and I said, "Mayor, if I would happen to get this job, what would you like to see from me." He said, "I do not want to see glossy reports. I want to see results." So tonight before you are my glossy results. We figured that a picture is worth a thousand words, since you don't like me saying a thousand words up here, I figured I would just hand it to you. So, what we've done this year as far as Main Street Wilmington. We've hosted history classes in downtown. We've celebrated the arts on a full-day Celebrate the Arts Day. We've celebrated Be the Change the Day. We have coordinated projects for Be the Church Day. We helped ribbon cuttings for new businesses. We are playing a key role in the Wilmington Community Arts Collaborative. We promote downtown business events. We planted flowers in urns and hung flowers from the poles and then we took them down too early. We are presently planning 200 flower bulbs in the pocket park. We are managing all of our volunteers – about 150 of those – putting in about 1800 hours worth of work to improve our downtown. We have had to raise the funds to do all of these improvements. Our website gets about 23,000 page views per year, Facebook 10,000 post views per month. We sold out of the progressive dinner to help out our downtown eateries. We filled the theatre lobby at the Murphy Theatre with live music during the Brown Bag Lunch Series. We hosted three concert festivals in the mural parking lot, with a total of about 1400 in attendance. We held our first car show, with over a hundred cars on only a three weeks' notice. We sold out of our Wine Walk for the second year in a row – 120 people visiting 12 downtown businesses. New, this Saturday, is catch a ghost, which is a geocaching event – our first one in town. We expect 40-50 people from within a one-hour radius of Wilmington

coming in this Saturday. If you don't know about geocaching, go to geocaching.com and you can learn all about it. Also, October 29, the last weekend of this month will be our Halloween bash. It will be our third year in a row for downtown trick or treat. We have had approximately 200 trick-or-treaters plus their parents and friends. So, we see about 400-500 people in downtown on that particular day. We are doing HoliDazzle again this year and will be, as always, the Saturday following Thanksgiving, which this year is November 26. There has been some dispute over a project we wanted to take on for HoliDazzle and that is to set off pyrotechnics from the courthouse roof. Our committee visited this subject again last night. The HoliDazzle committee voted on whether to pursue this or not, and we voted to drop it. We will no longer pursue pyrotechnics on top of the courthouse due to public input and some political unrest that we did not want to create. None of this is in the spirit of HoliDazzle. We want a positive event and it will be a positive event this year. In lieu of that, we will have a hot air balloon glow on South Street in front of what we know as the old News Journal across from the courthouse. Three hot air balloons are sponsored entirely by Dayton Power and Light, who was going to sponsor the pyrotechnics. Dayton Power & Light is also a partial partner of the HoliDazzle parade, so they are still strong partner with us. So, I will let you know that fact. Almost done here – Retail is Detail – I've mentioned this before, will be a business assistance program through a grant to five of our downtown businesses at \$3500 per business. Next year, we will be hosting a Main Street event. It's a workshop, networking here, we will be hosting in this building approximately 35 Main Street Managers and also Boards and interested others from the State of Ohio. They will be coming in from the State of Ohio the first week in March. We look forward to hosting that. Also, in closing, I would like to read a recent welcome letter that is on our website that I have written. I got on the City of Wilmington's website to make sure it didn't conflict with the Mayor's greeting. He is not here tonight. Actually, it went right along with what the mayor had to say. I was very appreciative of his line that said the City of Wilmington is nothing without its people. That is what I pointed to in my welcome letter to welcome any visitors into our downtown.

Welcome.

We welcome YOU to Downtown Wilmington, Ohio!

We are a small town... located at a crossroads... in the middle of a cornfield - sometimes called a lazy town... and that's alright with us.

We raise our families here and enjoy the great amenities of our town... AND YOU are welcome to join us... good local foods - specialty shops - theater - arts - festivals - and well... a good time.

BUT... you may be surprised to find we are also a community full of innovation...creativity...entrepreneurship and..what we refer to as "progressive behavior". A community that is very resilient... and quietly stubborn.

Sure, we have manufacturing, farming, transportation and shipping industries... oh, and a big air park. But we have come to realize... big business does not make a community... it is the PEOPLE who make OUR community... a living, breathing community.

Please join us for a visit... a job... a life... that's actually quite nice! If it's the "big city" you want, one is close enough to visit... and that's okay - we don't have everything here... but... we do have enough... enough for a place we call home.

We welcome you to our home! Please stay as long as you like... we are.

Steve

Steve Brown

Executive Director

Main Street Wilmington

Any questions?

President Ertel: Very good. That was an excellent letter, if you will. Excellent.

[General comments of gratitude]

President Ertel: Next I would like to recognize Phil Floyd. You want to talk to us about the Wilmington City transit programs for 2012.

Phil Floyd: I absolutely will. Thank you, Mr. President. This public hearing is one of the final requirements of the 2012 Rural Transit Grant proposal process. The process includes three readings of a resolution that authorizes submittal of the grant proposal along with certification and assurance documents, plus our budget request for operating and capital funds for the calendar year 2012. The Ohio Department of Transportation 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 pertinent information. This data indicates our level of efficiency, which ultimately helps determine the approval of our request for funds. While ridership and efficiency and our system is a large part of determining the awarding of funds, it will also be determined by the total amount of funds available for us from federal and state public transit budgets. We know at this time that within the 2012 state budget, public transit funds have been reduced from last year. All public transit systems across the country are facing the same dilemma, increased ridership but fewer funds available for operating and capital improvements. One thing in our favor is that our performance numbers continue to surpass the Department of Transportation's calculated averages and actually places Wilmington Transit System as one of the most efficient rural systems in the state, which we are very proud of, of course. We should learn by mid-December if our requested funds have been approved. The goal for 2012 continues to be maintaining the same hours of operation, no fare increases, and keeping the operating costs at the bare minimum while keeping Wilmington required matching funds at the lowest possible level. All of these goals to help ensure that our community members can continue to obtain affordable transportation to work, work opportunities, education, healthcare and shopping. Wilmington Transit System is, without a doubt, an economic engine for Wilmington and Clinton County. Our most frequent destinations are food and retail stores as well as many restaurants around the area. All of the people transported to these destinations go there for two very important reasons – to either earn money or spend money. That helps to drive the local economy. We estimate that we will provide over 130,000 rides in 2012. Wilmington Transit System provides all of our community members a level of independence that might not be available by any other means. The 2012 grant process or proposal seeks \$729,856 in federal and state grant funds. We estimate collecting \$240,000 in fares plus \$65,000 in contract receipts, which leaves the local match or the amount the city needs to show available in the General Fund for operating at \$202,290. Also, within our grant proposal, we are seeking capital funds to replace three vehicles. This year, we passed on replacing vehicles. That has a projected cost of \$141,781, but the city's share for the replacement of the vehicles will only be 10%, so \$14,178. So that brings a total of \$216,468 that will be the amount the city will need to indicate as available matching funds for 2012. Of course, our goal, as it is every year, is to do our best not to spend all that has been allocated to transit. The challenges are great, but the Wilmington transit system will continue to provide safe, affordable transportation to Wilmington and Clinton County residents. That is our proposal for this year. Are there any questions about the grant proposal process? Yes Paul?

Paul Hunter: Could you explain how our matching funds not for the capital but for the operating, we don't actual use that money; it's just there for the grant application, right?

Phil Floyd: We are required to show matching funds. It is a percentage calculation there. It used to be 50% federal, 30% state and 20% city. We have been able to find ways, through contract work and other means of increasing fare box, to reduce the city's share. So, this year, it was less than 15%. We have to show that amount as available if needed, but we don't always spend it. Last year, we only spent \$88,000 of the \$192,000 that we had to show available.

Paul Hunter: Thank you.

Dick Unger: I have a question. I live up on North Lincoln Street, just short of Brownberry Apts. I see a lot of almost back to back vehicles going to and from Brownberry. I don't know where their destination is, but I've often thought, have you ever considered bus routes?

Phil Floyd: Yes. That has been considered over the years.

Dick Unger: It would just have set hours.

Phil Floyd: We did look at that. We have never made the decision to do that. We found that the best method for us after talking to other systems around the state and doing research, the best method is still on-demand. Now, we will often send...there may be two vehicles sitting at Kroger, but one may be going east and one may be going west. We certainly try to combine trips. That is one way we have increased our efficiency.

Dick Unger: I was just thinking about the economics, though. If you all came or it was known at a given time when you can leave the complex to go here and yonder, that would be more efficient.

Phil Floyd: Our system is an on-demand system and to do any other form of transportation would require going to the state for approval. We have not found that to be the best thing to do. The best thing at this point for us is on demand. You call us and we will be there as quickly as we can get there.

Paul Hunter: But you do have multiple riders.

Phil Floyd: Absolutely. We combine rides. We have increased our efficiencies through doing that, rather than just sending for one at a time.

Rob Jaehnig: When I was looking for a job and didn't have vehicles, I would get picked up quite often. Quite often there would already be someone in there or we would be picking up somebody on the way. In fact, I don't know if I remember ever riding alone.

Phil Floyd: It happens occasionally, but we do our best to combine trips to, again, be as efficient as we can be. Thank you very much. I would ask everyone to kindly sign the sheet on the table over there as you leave. That is one requirement also – that we provide a list of those who attended the public hearing. Thank you.

President Ertel: Thank you so much. Before we move on, at the last council meeting and probably two months ago I asked council persons to take a look at their individual committees that they were head of and so on, if there were any potential cost savings that were available right now. At the last meeting, I mentioned that it would be good to spend just a few seconds if you found anything in any of your committees that could actually save a few dollars before we get into the budget season. So, we'll just start with Rob. If you don't have any ideas or what you are kind of looking at, just give us a quick snippet of what you have seen so far in looking at cost reductions.

Councilman Jaehnig: The Judiciary, the only real effect we have is taxi, and we have not really had a Safety meeting since we last talked, so we do not have anything to report.

President Ertel: Very good. Don?

Councilman Wells: Well, we didn't discover any real savings. We discussed how to stretch the dollars out for the rest of the year to meet the obligations. It sort of sounded like everybody was having trouble. We didn't actually try to cut anything, we just sort of...

President Ertel: Is there any potential, do you think, for the 2012 budget?

Councilman Wells: Oh, yeah, I think there are places that could be cut, but do we want to do that? We don't know yet.

President Ertel: I understand. Very good. Loren, I know you don't head up a committee, but you are a member of a few committees, so what is your take on the whole thing?

Councilman Stuckert: Well, I haven't seen anything specific that I could offer a suggestion. Like Don said, I think we'll have to look at some things and some decisions will have to be made. But, I don't think at this point in the process, I have seen anything I could mention at this time.

President Ertel: Good. Mike?

Councilman Wallace: This week we had meetings with a couple of different committees looking at budgets. Obviously, the current year comes up under scrutiny along with that as well. I know Don and I sit on Streets. There was mention of a couple of areas where we might come up with some savings, but again, we are all hesitant in saying, because we still have about three months' worth of expenses staring us in the face. The mayor mentioned that there are hopes that he sees, I think, of some significant savings, but it is hard to promise anything at this point in time because of where we are. We are still fighting the cost of gasoline to be honest with you, as much as anything else, that is what we are doing. On the Water Committee, as an example, actually Jerry just reported it, we are a little bit under what we had budgeted currently for this year, and we are hoping we can continue that and stay underneath what we actually budgeted for, which would be pretty exciting. Again, with the Army Corp of Engineer expenses that we have and things like that, we are always left out in the open. We don't know quite where we are with some of these things. It is hard to really predict that as well.

President Ertel: Okay. Thank you. Sandy?

Councilwoman Mongold: Well, I don't really chair a particular committee that affects a department and so forth. Once all of the departments have their budget meetings, of course, Finance will be meeting to go over all of the figures. I think all of the department heads have been doing a wonderful job of managing their budgets this year. What I have seen so far, they have been doing a wonderful job of preparing the budgets for 2012. I do have one idea – and this just came to me recently and it does not save a lot of money. Since we are talking about it, when we get our water bills, they send an envelope. Why can't we just send a label? Wouldn't that save on postage and save on the cost of envelopes? Just send a label like the Income Tax Department does to return payments. It's just an idea.

President Ertel: Sure. I think all ideas are on the table now.

Councilwoman Mongold: Like I said, it is small dollars probably compared to the big picture, but I think that is something that would save some money.

President Ertel: A dollar is a dollar. It's a very good idea.

Councilwoman Mongold: Finance will be working on putting all of the budgets together and looking at the figures.

President Ertel: Okay. Mark?

Councilman McKay: The committee I chair other than Revitalization, which is not a monetary committee, is Wastewater Sewer, which has a significant budget. We are an enterprise fund just like the Water and Sanitation. In our meeting last night, Harry was able to show us that he has budgeted at this time to not spend more than the revenue tends to be at this time. These are just the first go round. There are several areas that Wastewater/Sewer affects. We have the Textron facility, which is kind of in a state of flux right now. We are happy to reiterate that we just brought the solar panel project into fruition and that is going to be a savings in electric service. I think right there we are going to have to look at things because we have a large infrastructure in that building.

We have a renter and how we are going to use those building effectively. They are going to need repair. We're just sort of scratching the surface on that project.

President Ertel: Thank you. Yes, Don?

Councilman Wells: I would like to say, looking at it, Fred, I kind of smile when I listen to the department heads because, you know, it's sort of like, "We're just getting by. I just barely have enough people to do it." You know, nobody is voluntarily going to say, "I've got more than I need." So, I kind of take that with a grain of salt and listen to it. I understand they are doing a good job with what we have, so....

President Ertel: As everyone knows, our revenue situation and so on, and the budget for 2012 is going to be an important one. It is going to be as squeaky as it ever has been. It sounds like we have people thinking. That's the key; to get people thinking as we go into the budgetary process now. We will, I am sure, have some savings that will come to the table.

Councilman McKay: Our overall goal is going to be to attempt to keep our revenues in line with expenses and not go any further into the carry-over. That is our goal and we hope we can achieve that.

President Ertel: Very good. Are there any other questions or any other comments. Let's move ahead. Since we don't have a mayor tonight, I'm assume he has no report.

Councilman Jaehnig: Do we still need to announce that public meeting?

President Ertel: Oh, the public meetings for the 2012 budget. Okay. Those flyers are right now in the council chambers.

Clerk Laura Curliss: Yes. They should be here. They are also on our website.

President Ertel: Okay. Everyone is invited to those, definitely. As we move into the 2012 budget season.

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

President Ertel: How about some Asset, Acquisition and Use. Anything on that, Sandy?

Assets Acquisition and Use: Chairperson Sandy Mongold: I have nothing.

President Ertel: Okay. Mr. Auditor?

Auditor – Auditor David Hollingsworth: The only thing that I have, adding to the budget discussion, I just got from Mary Kay, my Deputy Auditor, the September report. I think, if you remember from an earlier council meeting, we were waiting until we got through the end of the September to take a look at the fourth quarter to see what we are going to spend and to kind of get a better feel for what we think the carry-over balance is going to be. We will then tie that in with our revenue projections and then fine-tune the budget once we get to that point. I understand the budget meetings with the department heads need to start – that discussion needs to start – but then we'll just take a look at what we really have available and kind of go from there. I will be producing a report for everyone here in the near future.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item I have 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; Stuckert, yes; Wallace, 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; Stuckert, yes; Wallace, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4989 passed as read.

Councilwoman Mongold: The second item tonight, we have one transfer for the Recreation and Parks Department on 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; Stuckert, yes; Wallace, 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; Stuckert, yes; Wallace, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4990 passed as read.

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

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have one item on the agenda this evening. If you recall, we have a piece of property on Columbus, down at the corner of Wall and Columbus that we own. We have had a renter there for quite some time. That property is now vacant. We need to move that property on and not have that worry, care and needs and so forth. We are asking the council this evening for an ordinance that would allow the mayor to get this property sold. Are there any questions?

[Discussion of location of property]

A motion was made by Wallace and seconded by Mongold to give the first reading only on the ordinance Declaring Parcel #2900136793, More Commonly Known as 415 Columbus Street, Wilmington, Ohio, to be Surplus Property, Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Said Parcel.

Motion passed

Director of Law read ordinance by title only.

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

Councilman McKay: Do you know how that will be sold? Does anyone know?

Clerk Laura Curliss: It has to be competitive bidding. That doesn't mean you have to have a live auction. You could have sealed bids. You could do an internet thing. As long as it is a competitive bid process.

[Simultaneous discussion of competitive bid process]

Councilman Wallace: We have one other item. It has come to our attention that the water committee needs to review our billing cycles. We need to review and possibly revisit the idea of maybe collecting deposits as we get water turned on. Once we get through this

budget process, we are going to start having some meetings on these items and revisit them in due time.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Wells: Mr. President, I have one item on the agenda. It is three readings on a resolution adopting preliminary legislation for a Safe Routes to School sidewalk project to install missing portions of sidewalk on the south side of Truesdell Street between Randolph Street and Nelson Avenue, and on the east side of Nelson Avenue between Truesdell and Warren Drive. Are there any questions? Any discussion?

A motion was made by Wells and seconded by Stuckert to give the first reading only on a resolution Adopting Preliminary Legislation for a “Safe routes to School” Sidewalk Project to Install Missing Portions of Sidewalk on the South Side of Truesdell Street Between Randolph Street and Nelson Avenue and on the East Side of Nelson Avenue Between Truesdell and Warren Drive.

Motion passed

Director of Law 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; Stuckert, yes; Wallace, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

Councilman McKay: Can I ask a question? I am very much in favor of this project; it involves no funds from the city; it is grant money. I was just wondering why we are doing three readings tonight instead of separate.

Clerk Laura Curliss: Well, we don't have a deadline but they want us to move it along. I mean. Larry, do you have a better sense of the deadline?

Service Director Reinsmith: I don't think there's any urgency because we just received that legislation.

Clerk Laura Curliss: Well, we've had it for about a month.

Service Director Reinsmith: They're not going to build it until 2014, so it doesn't have to be done real quick.

Clerk Laura Curliss: Well, they have a process we have to follow.

Councilman McKay: Well, I'm not trying to stop it.

Clerk Laura Curliss: Well, it's up to you. I don't have an exact answer for you. It's a process and we've had it for about a month.

Councilman McKay: I'm not against going ahead, I just wondered.

Councilman Wallace: The only reason I went with that is because it was added today to the agenda for three readings. Do you want to proceed with that? Are we ready to move forward?

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

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

Motion passed.

President of Council declared Res. No. 2258 passed as read.

Councilman Wells: That is all I have for streets, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: I have no report tonight on the agenda; however, I would encourage the citizens of the Wilmington to please recycle. The more we can recycle the less that goes into landfill and that saves us money. I encourage the people to recycle more and try to help us save as much as possible. Thank you, Mr. President.

Dick Unger: I have a question on recycling? Do they recycle downtown – the businesses – this building?

Clerk Laura Curliss: Yes.

Councilman Jaehnig: This building I know does.

Clerk Laura Curliss: Many businesses do. It is an individual choice.

Dick Unger: Like the churches?

Councilman Wells: The Presbyterian church recycles, because I drive right by their recycling bins all of the time out there sitting at the curb. If anybody doesn't recycle that could recycle, please call and request bins and we'll pick them up and empty them. If you know a business or church that would like to do that, don't hesitate.

Scott Kirchner: Councilman Wells, I'm not sure that our landfill supports churches and businesses being in the recycling program. You might want to check with Don Maher and Mayor Raizk, but I am not positive that that is an accurate statement.

Councilman Wells: I think you're correct. I don't think we have a program set up for it, but some of them are doing it.

Scott Kirchner: I think they do it on their own and take it to the recycling bins themselves. But, I would agree with the thought if we are doing it everywhere else and it benefits our landfill, as you say, why couldn't we set something up?

Councilman Wells: It benefits the landfill, and if we are driving right by...

Service Director Reinsmith: Another point to that is that the Clinton County Solid Waste Group does not want to recycle commercial cardboard out there at the bins and everything. You can't take it out there. They want you to get rid of it somewhere else. It's kind of a strange deal. I know, Paul, you have been in those meetings. Haven't you?

Paul Hunter: Yes.

Councilman Wallace: I know our schools recycle paper. They recycle some projects – cans and things of that nature – specific items. They do some recycling.

Councilman Wells: Now, I take my newspapers and my junk mail and old magazines to the Holmes school and put them in the Abitibi dumpsters there to help the schools.

Paul Hunter: So do I. It is better to take it over there than to take it to the county, because they just sell it and the school gets nothing for it. You might as well use the schools.

Councilman Wells: All right. Please recycle.

President Ertel: In other words, recycle in any place.

Councilman Wells: That's right. Do it somewhere. Thank you.

President Ertel: Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: I have no report.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have two items tonight, Mr. President. The first is the third reading on an ordinance authorizing an amendment to the enterprise zone agreement. This is updating the borders of the enterprise zone to match the borders of the city, with the annexations that took place over the past few years, we had not updated the enterprise zone map to match the city boundaries. This will allow us to do that and will help with economic development opportunities out at the air park and other areas. Any questions? Yes, Paul.

Paul Hunter: We do understand that goes down Airborne Road now, right?

Councilman Jaehnig: That is correct.

A motion was made by Jaehnig and seconded by McKay to give the third reading only on the ordinance Authorizing an Amendment to the Enterprise Zone Agreement by and Between the City of Wilmington, Ohio, and the Board of Commissioners of Clinton County, Ohio.

Motion passed

Director of Law read ordinance by title only.

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

Motion passed.

President Council declared Ordinance No. 4991 passed as read.

Councilman Jaehnig: The second item we have tonight is the third and final reading on a grant proposal that is part of the funding for our transit system. Any questions in regards to that program?

A motion was made by Jaehnig and seconded by McKay to give the third reading only on the resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the U.S. DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, As Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and 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 the 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 Ordinance No. 2259 passed as read.

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 like to reiterate what Steve Brown talked about tonight in his report. There are a lot of things going on in our downtown that everybody does not realize until you start to list them. It is a pretty interesting and complete list. Main Street is not the only one, but it was the first group and others are catching on. It is just a great way to stimulate the downtown – the front door of our community. That is all I have.

President Ertel: Thanks, Mark. Parks & Recreation? Bob is not here. Does anybody know of anything?

Parks and Recreation Committee – In the absence of Convener Bob Mead, Councilman Wallace: I believe that the shelter we built at Galvin Park is complete now, at least it

looks like it as I drive by. I just want to report on that. I think that is a nice little addition to that park.

President Ertel: Sure. Is it going to be dedicated at some point?

Councilman Wallace: I'm not sure.

Service Director Reinsmith: I think that group wants to dedicate that. I just saw that they added two picnic tables in there.

Councilman Wallace: A couple of people were using it this afternoon when I drove by. Lastly, we don't always talk about the tennis courts that the city owns that are out at the high school, but we have had probably at least four major tournaments out there this year that have brought a lot of people to Wilmington that normally would not be here. It really has been a great addition. The last tournament we had...there is a group called the Cincinnati Area Tennis Coaches Association and the Greater Cincinnati Area Tennis Coaches Association, and they have high school girls tennis tournament in the fall and the boys have their tennis tournament in the spring. This year, when they met for the tournament, the seed drawings, this is a large group, they have several flights and almost every high school in the area of Cincinnati is in this thing. They asked to play at Wilmington. The Wilmington site was not part of the plan. At the seed drawing, they called me from the seed drawing to see if they could put our site into the tournament, which I thought was really interesting. It gives you an idea of how the word is getting out and getting spread about what kind of a great facility we have here. Just thanks to the city for really helping us and the state of the Ohio and everybody else in getting this located there. It is a great facility. The United States Tennis Association, we are the poster child for USTA. There is no question about it. The youth program that our WTA has going on there...pictures of our kids have been in a lot of magazines throughout the country on what a great program we run. We've got hundreds of kids out there in the evening in the summertime playing tennis. It is all fantastic what they are doing. I just wanted to mention that...just to say thanks to the city for what a great job you've done for us and what a great facility we have out there. That is all.

President Ertel: Very good. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: I have no big report. I will report that I think our street paving project is about 98% done. They started on Monday and they have done a bang-up job. They've done a good job.

President Ertel: They've done a good job. I am amazed at how speedy they are.

Service Director Reinsmith: Yes. In years past, they've milled and come back the next week and paved and that kind of thing. They've milled it today and they sweep it and they have a paver come in right behind it. I think they have to finish up that curb on Vine Street and really wrap that contract up.

Councilman McKay: Good weather, too.

Service Director Reinsmith: Great weather.

President Ertel: Superb weather for that. Let's see. No mayor so no Safety Director.

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

Reports:

A motion was made by Wells and seconded by Stuckert to approve the Income Tax Report – September 2011, as received.

Motion passed.

Reports accepted as received.

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

Councilwoman Mongold: I would like to say that this afternoon, Joan Loving passed away. Many of you know her. She was Ed Loving's wife. They still play a large role in the City of Wilmington. They still own several businesses. They have been instrumental in the Tree Commission and downtown. I just wanted to mention that because she is a very dear friend of mine and played a large part in the City of Wilmington, for those of you who know her.

President Ertel: Yes. It is a tremendous loss.

Councilwoman Mongold: There will be a memorial service on Saturday.

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. I would just like to know where we stand on what Mr. Wells brought up at the meeting about looking into the back yard issues with junk vehicles and trash and stuff and if anything else is being done.

President Ertel: Larry, are you familiar with anything going on at this point in time?

Service Director Reinsmith: No. I think what Brian is probably referring to is a look back at the legislation, right?

Brian Stanforth: Well, Don brought up looking back into and see if we can do anything about it.

Councilman Jaehnig: It is on the list of items to be discussed at Judiciary. It will be brought up once we get through the budgeting process. It is on the list for review.

Brian Stanforth: And I was wondering too if anything more was being done about next door or anything.

Councilman Jaehnig: Without the mayor, he would be the one to talk to about that.

Service Director Reinsmith: You would talk about that with Ernie.

Brian Stanforth: Well, Ernie told me it is up to the Law Director.

Law Director Kathryn Hapner: It's not up to me. I don't go out and inspect. If a complaint is brought to me, we will prosecute it.

Brian Stanforth: I was told that they can't go in the back yard and that they are waiting on the Law Director.

Law Director Kathryn Hapner: That doesn't change. That's the same as it was last week and last year and ten years and since 1783 or so...

Brian Stanforth: Well, did you even try to call and see if you could get permission to enter the property by the landowner?

President Ertel: That's a good point. Is that possible to do? Can we call them up and invite ourselves in.

Law Director Kathryn Hapner: You can't invite yourself in. No.

President Ertel: Can we say, "Could we come over and take a look and see if these are findings?"

Law Director Kathryn Hapner: Well, yeah, Ernie could do that. I don't imagine they are going to...

Brian Stanforth: If you can do that, so why not do it?

President Ertel: It would be worth a try.

Brian Stanforth: What is the problem?

President Ertel: They may say, "Sure, come on over and take a look."

Law Director Kathryn Hapner: He may have asked already. I don't know.

Brian Stanforth. Well, I got the impression...

President Ertel: I think that is something we should have Ernie take a look at and see if they will invite us in. You never know.

Councilman Wells: Mr. President. I would kind of like to add to that that I do think that we do have some ordinances that we just don't enforce. When we review this, we may have to eliminate some of those. If we are not going to enforce them, then we ought to take them out of our books.

Polly Stanforth: I just have one thing to say. The Health Department got in there. That is all I have to say.

Law Director Kathryn Hapner: Well, yeah, that's right. The United States Supreme Court has said that the Health Department has the right to go in. Health Departments do. Cities don't.

Polly Stanforth: I have heard that cities do.

Law Director Kathryn Hapner: Well, you know...

Polly Stanforth: They have in the past.

Law Director Kathryn Hapner: I don't know where you heard that. As far as I am aware, as of today, the Fourth Amendment still stands.

President Ertel: Did you hear anything from the Health Department. Did they say...?

Polly Stanforth: The Health Department went in there and said that they have three weeks to clean it up. By the 11th, it should be cleaned up.

President Ertel: The 11th of...?

Polly Stanforth: This month.

President Ertel: October?

Law Director Kathryn Hapner: So that would sort of take care of the problem.

Councilman Jaehnig: So in their mind, they found findings.

Polly Stanforth: They found all kinds of fungus and...

Brian Stanforth: Solid waste.

Polly Stanforth: He called it solid waste.

President Ertel: Okay.

Brian Stanforth: They have mice.

President Ertel: Excellent.

Brian Stanforth: But they can't do anything about the junk vehicle.

President Ertel: Possibly it could be if it is a breeding ground for that. But, not knowing the full law....

Councilman Jaehnig: If the Health Department goes in and then notifies us of the finding, are we then able to take action?

Law Director Kathryn Hapner: There are two different things. The Health department is looking at different things than what we look at.

Councilman Jaehnig: Right. But if they are in there looking for one thing and stumble across another, are they able to report back to us?

Law Director Kathryn Hapner: If they choose to report back to us, that may be enough to get a warrant to go in. That is a decision, after it is presented to the judge for the judge to say yes or no. If it is enough and he signs off on a search warrant, then we go in. What you have to remember is, judges are looking at big things – meth labs and things like that. These are all misdemeanor offenses.

Councilman Jaehnig: It doesn't make it any less important.

Law Director Kathryn Hapner: It may not. I'm not trying to belittle that. I'm just looking at it from a practical point of view. From a practical point of view, the courts are crowded. There are things that the courts find more important in life. That's just a fact of life.

Councilman McKay: At this point, our new Health Commissioner is on our agenda at the next council meeting. She is going to come and visit with us. Perhaps she can shed some light on this.

Councilman Jaehnig: That is great.

Service Director Reinsmith: The mayor talked to her and he felt like she is pretty energetic. She is going to do things a lot differently than Bob did.

Councilman McKay: She's a good girl.

President Ertel: Very good. No solution, but something's happening.

Dick Unger: 1036 N. Lincoln Street. Let me say first off, there is more than Wilmington than downtown. The problem that these folks have and I have the same problem and you can drive on various streets in Wilmington, the same problem needs to be resolved. There are rules and codes existing that can be enforced. You have told these folks several times to get an attorney. Do they sue you or...?

Law Director Kathryn Hapner: No. The neighbor.

Dick Unger: Why would they sue the neighbor? You're supposed to be the nerve center here and the rules, so why would I want to hire somebody...?

Law Director Kathryn Hapner: I don't represent individual citizens of the City of Wilmington. I represent the City, the elected officials of the City, because what they are complaining about may very well be a private...a private nuisance. If that is the case, it does not involve us, it involves a dispute between two neighbors. It does not involve the City. Therefore, the City does not have anything to do with representing either party or defending the other party. Because under your theory, I should also defend anybody that gets sued, just because they are a citizen or a resident of the City of Wilmington. It doesn't work that way.

Dick Unger: No. My theory is we have ordinances to do this or that. It has already been pointed out several times that they are in violation of the written ordinances. That is where I am coming from. Maybe I don't understand.

Law Director Kathryn Hapner: I don't know that they are in violation. At this point in time, nobody official has said that they're in violation, file a complaint against them. Until that happens, there is nothing that I as a Law Director can do. The Code Enforcement official, because it is a criminal act, cannot violate the Fourth Amendment and go into a home. The Health Department can because they're not looking for crimes. They are looking for violations for health rules and regulations but not crimes. That is why there is a difference between the health department and a code enforcement official – because it is a crime and that is what the fourth Amendment protects citizens against.

Dick Unger: It seems to me, then, that you guys look into this you need to get in and clean a lot of this up or enforce it because why have it if it is not going to be enforceable and it falls back to what Steve is saying here. We want to invite people to come in and live in the community and there is more than Wilmington than downtown and if they go about the various streets and says this looks like a nice residential street or I like the older part of time and 'boom' there's weeds grown up and unsightly residents there, maybe they think they ought to move on. Just food for thought.

President Ertel: Good point.

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 Street. I have been attending as many of the budget meetings as I have been able to make based on the schedule of them. I am encouraged by the effort that the council is giving in trying to focus the operational budget of the city within the income. I will say I have been troubled by one thing that I have seen that has remained consistent from last year to this year. I would encourage you, Mr. President, as you ask the council people for their ideas to encourage the mayor, I don't believe council has effective information on some of the costs of operating departments, specifically the insurance costs associated with benefit insurance for our employees. Last year during the budget process I attended, I identified that there had been roughly a 30% increase in those cost estimates. At the time, the information provided for the budgeting process was that because the insurance did not start until April 1 and the budgeting process was in October of the previous year, they did not have the actual numbers to fill in yet. We are now past October 1 of the following year and we still, even though we have heard multiple council people at multiple meetings, I myself have asked for the number, no one has ever been able to provide a number for what insurance actually costs the city once they got the policy implemented starting April 1. Last year's fictitious numbers, which is what I will call them because of the massive increases that they contained, have been forwarded to this year's budgets. I think for council really to be able to do an effective job of knowing where that budget is at, we need the mayor and the mayor's administration completely to come forward with effective numbers that let the council know exactly where we are and what we have to work with. I think that number being hundreds of thousands and up to a half million dollars of difference, would be beneficial.

President Ertel: I am sure those will be available.

Scott Kirchner: In talking with the Deputy Auditor last night, the Deputy Auditor indicated that she did not have that number. She indicated that she used the number provided by the Director of HR and that number was directed to be the same as the number last year and no number has been provided for the actual cost of insurance after the policy was negotiated and agreed to for this year service. It seems to be a very hard to get at number. I have heard it asked for multiple times by multiple people, so I just think it would benefit the council if they really had accurate numbers to work with.

Councilwoman Mongold: Did anyone ask HR?

Scott Kirchner: No. HR has not been at any of those budget meetings. Until last night, I had not been told by anyone that HR was where that number was coming from. According to the Deputy Auditor last night, she simply places the number into that line item that she is directed to because HR administers the insurance costs.

Councilwoman Mongold: Wouldn't the actual costs be what our financial figures are for the year. They should be in there.

Auditor David Hollingsworth: Have you ever asked for cash receipts and disbursements report?

Scott Kirchner: No.

Auditor David Hollingsworth: It's public information. All you have to do is ask for it. The actual number is on there.

Councilman Jaehnig: This came up in the budget meetings when we noticed that the benefit numbers were exactly the same as last year, and so that is why we asked. My question was that I was concerned that we were going to use the exact same numbers when every indication is benefit costs are going to continue to rise and were we under-budgeting. That is where I started questioning – whether we have enough in there. Then it was brought up, “Well, we don't know where are 30% fell towards actual from the previous year.”

Auditor David Hollingsworth: If you look at the 12-month period that the insurance covers. If you go from May 1 through April 30, I mean our actual costs should be pretty easy to determine if you take a look at our cost receipts disbursement report of what was actually spent.

Scott Kirchner: The thing that I am finding, I think, a little bit different because the city has switched to apparently a self-insured approach over the years, perhaps it is different than regular benefit insurance where a package is purchased – a group of employees has a package offered to them at known costs – known employee percentages – and that lasts for a year. What I am beginning to think I understand is that perhaps it is a matter of we don't know what those costs are every year; however, what was indicated in last year's budget cycle was until we got closer to April 1 when the policy was to begin, we wouldn't know the actual cost of benefit insurance. That's the number that I'm looking for. What was the bid to actually run insurance from April 1 of this year until March 31 of next year. That is the number that I have not been able to get.

Auditor David Hollingsworth: That should not be hard to determine. The only thing that might take a little bit of effort is the fact that we were self-insured the year before and some of those claims may not have been settled until after the April 30 date and we switched, because we did go back to a different insurance coverage through Blue Cross Blue Shield. It is possible that it may take a little effort to come up if you want the exact numbers.

Scott Kirchner: Even just general numbers. If you're within... I mean, a 30% increase in last year's insurance cost to me needed to be reviewed, and I have heard other council people ask that question. “How did we come into that number?” Even as of last night, as we were reviewing the exact same number again in this year's budget, I still don't get that answer. But the answer last year was “We won't have it until April 1.” Now we don't have it and it is passed April 1.

President Ertel: We should have some number for budgeting this year, correct?

Auditor David Hollingsworth: Yes. We would know what it would cost us from, say, May 1 of 2009 through April 30, 2010, but you are looking for the period from...?

Scott Kirchner: It is my understanding that the cost changes on April 1 because the planning runs April 1 through March 31.

Auditor David Hollingsworth: Right.

Scott Kirchner: Which I would take to mean that there is a set cost for the plan in that year. You bid it and the service gets provided.

Auditor David Hollingsworth: Not necessarily when you are self-insured. It's not a set premium every month.

President Ertel: It's not a fixed number until it occurs.

Auditor David Hollingsworth: For the year that you are looking at...

Scott Kirchner: Then why would they indicate that they won't know that cost until April 1, last year, would be my question. That was the exact answer that was given. We are estimating that because we are being told that costs are going to go up. What costs and how much? The indication was we had to estimate high because we don't know how much of an increase we are going to see in our insurance claims but that should be a number in April 1 is what I understood.

Auditor David Hollingsworth: Most of that would have been determined by the gal that we actually go through that bids out our insurance – that provides us with information on what would probably be the best type of coverage to provide – the most cost effective – whether it be self-insurance or being fully insured. Now we won't know what our full insurance costs will be for this year until we get to the end of April of 2012. Now we are budgeting for 2012 for our calendar year and our best guess for budgeting purposes is going to be probably either what we spent the year before or if we get a number from the gal that actually helps us analyze our claims and do an evaluation of what the best coverage would be.

President Ertel: So, we should know what we spent the year before, right?

Auditor David Hollingsworth: Yes.

President Ertel: And then we could plug that in for budgeting this year. Am I correct in that?

Councilman Wells: Here is an example of what we are talking about. Benefit insurance...and this amount...and this is year-to-date. This is nine months, so you figure about 25% added onto that, but that is a considerable smaller amount than what we had listed over here in the budget. So, that is what we are talking about. We don't have a real good accurate number.

Auditor David Hollingsworth: Are you looking for the budgeted amount for 2010?

Councilman Jaehnig: No. For 2011.

President Ertel: Well, you bring up a good point, so we will make sure...

Scott Kirchner: And those are the numbers that I think would benefit the council because it is a significant, very significant costs, to the operation of the city.

Service Director Reinsmith: You know, I was talking to HR about that and the year before, they had a couple of large claims. I think they had two back surgeries that were about \$200,000 a piece. I know Mary Kay indicated last night that we have had a really good year on risk.

Assistant Chief Duane Weyand: During last year's cycle, we had what are called five catastrophic claims. That is why in the budget it is a little hard to factor that in because if we were to have several catastrophic claims in the next year, well, then the insurance doesn't start running until April 1 and then your premiums and what you are going to have to budget for are offset. You have to have a contingency plan for the worst. This

year has been good, but during that time we have had five catastrophic claims. Nobody wants to insure you.

Councilman Jaehnig: I have no problem in planning for the worst. That is why I was asking because I was afraid. If we use last year's number for this year, are we actually putting enough aside. Just taking last year's number and putting in this year's number, I want more of an explanation than because that's the same number we used last year.

Assistant Chief Duane Weyand: Maybe it is a practical approach maybe is trying to get our health insurance in line with our fiscal year. This way, it is a little easier to budget instead of trying to project four months into the next year to where we are going to be.

Scott Kirchner: The only issue with that as I hear it is it really is kind of a roll the dice thing. If we have a number of individuals that have catastrophic claims in this year, we are going to pay through the nose because we're self-insured. If we get lucky and our employees stay healthy for the whole year, we're going to have a low cost. It doesn't matter whether you move it coincide with your budget season or not, based on what I am hearing, because you can't know the number and it doesn't make a difference. So, the answer we got last year that we estimated that high, we won't know what it costs until we get to April 1 seems like it isn't true at all, based upon what I am hearing. Correct me if I am wrong, Councilman Jaehnig, but wasn't that the answer we got when we looked at benefit insurance cost increase last fall.

Councilman Jaehnig: That is correct.

President Ertel: Well, good. Let's make sure we get a good solid number we all can agree on and have faith on, even though it is because you are self-insured, it is a roll of dice to a point.

Councilwoman Mongold: Everything we are budgeting is a roll of the dice.

Councilman Jaehnig: Well, if nothing else, I think it is a good idea if we have a clear idea of how the numbers are...

President Ertel: Of how the numbers are generated and what it means.

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 McKay to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, October 20, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

A motion was made by McKay 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 Stuckert to approve the minutes of the last regular meeting, October 6, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: I would like to recognize Pamela Walker-Bauer, who is the Clinton County Health Commissioner.

Pamela Walker-Bauer greeted council and stated that she has been with the Clinton County Health Department for almost three months. She replaced Commissioner Derge when he retired at the end of July. She expressed appreciation at how she had been welcomed into the community and emphasized that she has an open-door policy, is focused on good Customer Service, and encouraged council members to contact her whenever they have a concern or an idea that they would like to share. Ms. Walker Bauer announced that it is flu-shot season and that they hold several different clinic times. She said they looking at doing a clinic on election date. Also, she said if council members know anyone who is home-bound who has special needs, the Health Department will be willing to go out and help them. Flu shots cost \$25 and they can process some insurance cards. They can also provide you with a receipt so you ask for reimbursement from your insurance company. In addition, Ms. Walker-Bauer announced that birth certificates are now state issuance, which means that anyone who is born in the State of Ohio can come to the local health department and purchase a birth certificate. It costs \$22. In the future, they will establish credit card billing capabilities and at that time the price will increase to \$23. This means that they will be able to take calls over the telephone and will be more competitive with other health departments in the State of Ohio. She explained that when she was the Health Commissioner for the City of Norwood, their birth certificate issuance rate went from 16 per year to over 300 per year after the institution of the credit card billing. She thanked council for their time and asked if there were questions.

President Ertel: For those who do not have insurance, flu shots are how much?

Pamela Walker-Bauer said that flu shots are \$25 but they will not turn anyone who cannot pay.

Councilman Wells: I have one question. Now, you have different departments that handle different things like the environmental. Can you tell me exactly what they do?

Pamela Walker-Bauer said that the Environmental Health Department is responsible for all food inspections, sewage inspections, private water system inspections, swimming inspections and nuisance complaints. She said the Nursing Department does primarily immunizations. She said they can also do BCMH (Bureau for Children with Medical Handicaps) site monitoring visits. They do head lice checks and they have school nursing contracts with Wilmington City of Schools. She said the Health Department has a WIC (Women, Infants and Children) Department. The Vital Statistics Department has

birth records and death records. She went on to say that general health type issues and education is also something the Health Department does as well.

Councilman Wells: The reason I ask is because we have had a couple come and they talked about the nuisance complaint and I knew that you might be involved with that now.

Pamela Walker-Bauer said that the couple should call the Health Department and they could come out and take a look and see what they can do to help. She said it is possible that city ordinances that have a little more teeth than Health Department regulations. She said they focus on trash and public health issues, but if it is more of a building-type issue, that would probably fall under the city.

Councilman Wells: Thank you.

Paul Hunter asked if the Health Department has the same restriction to enter private property as anyone else and if they needed a warrant.

Law Director Kathryn Hapner: No. If you're looking at trash nuisances, it's not a criminal action.

Pamela Walker-Bauer said that if they can't get into the property, they log it and then see if they can get a search warrant to go onto the property.

Paul Hunter asked if they do that on occasion.

Pamela Walker-Bauer said that Matt Johannes, the Environmental Director for 21 years, has done warrants four times in his career but has done many permissive entries.

Councilman McKay: I just want to say that I invited Pam after meeting her. I knew that we bring up the Health Department from time to time in our discussions and I thought it would be awful nice to have a face with the name. Tammy and I had lunch with her one day and we walked around downtown and just had a very enjoyable time. I think she is going to be a great asset from the community.

Pamela Walker-Bauer thanked council for having her.

[Applause]

President Ertel: I would like to mention a notice of public hearing on rezoning petition of Fifth Third bank regarding 1.362 acres of land, more or less, located on the corner of Rombach Avenue and Oak Street in the City of Wilmington, from B-1 Local and R2 Single Family Residential to B3 Roadside Business. The Public Hearing will be held on November 17 at 7:30 in the Council Chambers. That does my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I do not have a report tonight. I am acting on behalf of the school board, shilling for them. Mr. Bill Lierman has told me that I need to get up here. I just want to make mention. I know everybody is thinking about it. I'm sure we're preaching to the choir in this room, but I would like it in the paper. I will then defer to Mr. Jaehnig, who would like to take this a step farther. Vote "yes" on the city school levy. This is so important to our community. We talk about economic development all of the time. There is nothing more important than well-funded schools for economic development because people just will not locate here if the schools are not well-funded. I think what bothers me and what bothers all of us is that these are excellent schools and we need to show our support. When we don't show our support, then it says something about our community in my opinion. There is no tax increase here. It is just a renewal. It is sorely needed. The more we can do the better to keep our schools functioning and viable and doing the job that they have been doing for all of these years. They are doing a great job over there. I think Superintendent Sexton, the faculty and everybody are doing an excellent job. Please vote "yes." Tell your friends and neighbors to vote "yes." Tell people why this is important. I think people need to know where we all stand on this issue as well. With that, I am going to defer to Mr. Jaehnig.

Councilman Jaehnig: I have to agree with the mayor. There is not single more important item on the ballot this year than this school tax renewal. Without this tax renewal, our efforts in regards to economic development will be severely impacted in order to attract new businesses and that type of thing to our community. Those that do not have kids in school and say, "Okay. I've already paid my taxes. My kids are done. I'm tired of paying taxes." I understand. I can sympathize with you. At this particular point, by not renewing the levy, you will start to jeopardize our ability to recover and thus then force us into situations where we start having to make those tough decisions in regards to what things we can continue to provide and what things we can't. At this particular point, while we don't have a formal resolution, I would like to ask council for a verbal resolution in support for the tax levy.

A motion was made by Jaehnig and seconded by McKay to make a verbal resolution of support of the tax levy for Wilmington City Schools.
Motion passed.

Councilman Jaehnig: Thank you all very much.

[Applause]

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

Asset, Acquisition and Use – In the absence of Chairperson Sandy Mongold, Councilman McKay: I don't think there is any report this evening.

President Ertel: Thank you.

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

President Ertel: Finance Committee?

Finance Committee – In the absence of Chairperson Sandy Mongold, Councilman McKay: The first is an ordinance making supplemental appropriations. In your packet you will see one of those are in the utility billing area, the credit card fund needs to be increased by \$1100. That is basically because more people are paying by credit cards so we need to increase that fund. The second one is the EMS billing fees. That is \$12,500. Again, this is due to increased revenues in EMS billing. We received more than anticipated so we need to supplement those billing fees. 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.

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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4992 passed as read.

Councilman McKay: The second item is miscellaneous transfers in the taxi area. Mr. Floyd is here tonight if you have any questions about that. Once again it is transfers and they are to offset increases in the contract maintenance area, if I am not mistaken, Phil?

Phil Floyd: Yes.

Councilman McKay: Excessive contract maintenance that they did not anticipate. They have areas where they can transfer from. It is a total of \$20,000. Are there any other questions?

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.

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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4993 passed as read.

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

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: If you remember from the last meeting, we have a parcel of land that we are trying to move on. I don't think there are any questions. If there are, bring them up.

A motion was made by Wallace and seconded by Wells to suspend the rules and give the second and third reading on the ordinance Declaring Parcel #2900136793, More Commonly known as 415 Columbus Street, Wilmington, Ohio, to be Surplus Property, Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Said Parcel.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4994 passed as read.

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Wells: Mr. President, I have nothing on the agenda tonight; however, I would like to say that the new blacktop in town looks real nice. It is a lot better. I did receive, and I talked to the mayor about this, Mr. Bob Bennett at 1006 Timber Glen. He couldn't understand why we can't get some new blacktop on his street that is not finished. I tried to explain it to him. Have we had any changes or anything come up?

Mayor Raizk: Not so far. We're still trying to look into what legal actions we can take and we have a situation where we...

Law Director Kathryn Hapner: I think the one contractor went bankrupt.

Mayor Raizk: So that people understand, these streets have not been dedicated to the city yet because they are not up to spec. Therefore, technically, they are not our streets so you all can't spend money to go blacktop that street until the owners of the street do, because we don't own the street yet. It's kind of a catch-22 at this point.

Service Director Reinsmith: I think I mentioned before – I mailed the realtor that is handling all of this and representing the bank, because the bank wants to do something. I said, "Well, we can make this happen, but we need to make some other things happen too." Like this paving and stuff like that. It is kind of back in the bank's court right now.

Councilman Wells: Well, he wanted to bring this up. Somebody can't even go across the street to visit his neighbor.

Mayor Raizk: To expand a little further on that, we feel like at this point the best thing we can do is to put pressure on the lender. Also, we are restricting their right to develop any further until everything is done, finished to our specifications and then dedicated before they can sell another lot. Really, at this point in time, that is the best lever we have.

Councilman Jaehnig: We're in the same situation. Are we making any progress on the other?

Mayor Raizk: Well, it is the same situation and it is the same lender.

Service Director Reinsmith: Well, in both subdivisions, it is the same bank. What they really want to do is they want to cut off that big excess land and sell it off. I guess they have farmers that want to buy tracts in the both subdivisions. I told them we are not going to cut anything off until we get these other matters resolved.

Mayor Raizk: We have the authority to not let them sell or develop. They can farm it, but they can't sell it off yet.

Councilman Jaehnig: So, that actually is progress. So, thank you.

Councilman Wells: Thanks a lot. That is all I have.

President Ertel: Thank you. Solid Waste/Recycling?

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

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 two items tonight, Mr. President. The first is three items on a resolution enacting recommendations from the tax incentive review council. This is something that is done yearly in regards to those tax incentives that have already been given in the past, where they review, are they meeting the requirements and so forth. We have their recommendations from this year. We usually have these approved back in August, so we do need to take action with three readings tonight, if I can have your indulgence. Any questions in regards to this?

Scott Kirchner asked what the delay was in getting the report done.

Councilman Jaehnig: They were working out an agreement to be able to move forward.

Mayor Raizk: It was from the county.

Scott Kirchner said he was curious if there was a systemic issue.

Councilman Wallace: Well, the meeting got pushed back a month.

Mayor Raizk: Yes. The meeting got pushed back a month. Mike sits on it and I sit on it, as well as county folks and school. It was supposed to be in July, I think, and it got pushed back to August. Then, once the decision was made, there was a delay in getting the information to us.

A discussion was held on whether it was three readings plus an emergency measure or just three readings. It was explained that it was just three readings without an emergency.

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 Enacting Tax Incentive Review Council Recommendations.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2260 passed as read.

Councilman Jaehnig: Our second item tonight is going to be three readings on a resolution opposing state control of municipal income tax collection. Paul, would you like to take a moment and explain this? You will do a much better job than I will.

Paul Fear: This is not a new issue to come before the state, but it is being brought up more heated because of the budget issues with the state. Joe Testa and the Governor and the Assistant Governor have brought forth issues. There are two sides to it: one is a standardization of municipal taxes and one is central collection of the taxes. There is a lot of work being done by Representative Henne, who has done a lot of work for the standardization and the creation of these forms in the past. They are looking for some standardization, which means issues like whether you give a business a loss carry forward for three years or five years, whether your minimum tax is one dollar or five dollars. Some of those things that are miniscule and non-issues that they are trying to resolve and maybe get everybody on the same page on that. It is being brought forward more recently by the CPAs because they have a business that might be doing business in different localities and they have different issues to deal with everywhere. We are not necessarily opposed to some of the standardization issues, and there are about nineteen of them that are different. What we are opposed to, and all of the other 578 municipalities in the state, is the state collection of our City income taxes. It would be handled probably the same way as they are handling the school district taxes, which is horrid at best. The timeliness of it seems to be remiss. The problem with those are, for example, if you live in zip code 45177, how is the state going to tell whether you live within the city or outside of the city? How are they going to monitor the delinquencies? We physically touch every tax return that is filed. They know everybody that has filed. We have records of people. If they ask for a modification, if they have an issue or something else, we will know their past history. We can handle everything on a local level. We believe we can be more efficient and even cheaper than the state says they can do it if they did it on a state level. What the different tax authorities, DATA is the Dayton Area Tax Authority, SWOTA is the Southwest Ohio Tax Authority, everybody is asking the City Councils to support a resolution citing against it. Once they take it out of our control, it can be anywhere. I think the school district has found out that if they are short on collecting taxes, they don't know why they are short for the year. They might be \$200 or \$300 or \$800,000 but nobody can tell them where it came from, what was paid and what wasn't paid. That is what is bringing this resolution. They are asking for the municipalities, the councils, to consider what would happen if it is being centralized in the state rather than collecting locally and they are asking for us to support it with a resolution. The conversation that we have had with everybody, we have sent a letter out to Cliff Rosenberger and Dave Daniels about our not being in favor of it, but they are asking for a resolution so that we can show that there has been other thought given to it. So, that is the issue, the plan and that is the support that we are asking for – for City Council to approve this resolution that has been drawn up. I would be happy to ask any questions along those lines.

Councilman Jaehnig: Are there any questions?

Paul Hunter suggested that they were sending up a trial balloon just to see what the communities would say and stated that nothing had been set yet.

Paul Fear: Well, it has been brought up in years past and it has kind of died off. Then they do some tweaking on the standardization. Some of the problems and the other issues that they are talking about is piggybacking, where you go ahead and take your federal and you do line 32 to your state. Then there some deductions you might be able to take for the state and then you go back and do the school district and roll them right down and piggyback. All of us are different now. Like I said, some of the standardizations we support, but some of it, based on the Home Rule Rights that Laura has cited in here, we are 1% tax. Xenia is 2.25%. There is no way to standardize those types of things with all of the different tax rates. We feel it would be a nightmare for the city to try to get money back from the state. They will charge probably 1.5% fee, the same way as they charge the school, so we will lose 1.5% of the what the gross amount is. There will be no way to follow delinquencies.

Paul Hunter asked if we could go to court for compliance under that type of set-up.

Paul Fear: Well, we feel that we could go to court and force that they wouldn't standardize the change for us to 2.25 – say everybody in the state is going to be 1.5% or something like that.

Paul Hunter clarified that he meant enforcement wise – that if someone was delinquent on their taxes now we could take them to court.

Kathryn Hapner: No, we couldn't...

Paul Fear: No.

[Discussion with members and audience speaking simultaneously]

Paul Fear: We know if there are 700-800 people that don't file. We know who they are. We can send them a notice and everything. We eventually take a couple of dozen to court in the end to collect. If the state was collecting it, we wouldn't even know the highs and the lows of who is paying or not. We would like council's support on this resolution and we will move it on to our representatives.

Councilman Jaehnig: Thank you, Paul. Are there any other questions for council?

A motion was made by Jaehnig and seconded by Mead to give the first reading only on a resolution Opposing State Control of Municipal Income Tax Collection.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2261 passed as read.

Councilman Jaehnig: There is just one item that I would like to mention. We are all, I am sure, aware of the incident that occurred with the wild animals – the exotic animals – outside the community. I would like to thank council for the action they took a year ago, well ahead of the state. This is the second time we have taken action ahead of the state on safety issues. I appreciate council's continued commitment in that area so we did not have a situation like that pop up in our area. That is all, 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 report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report.

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

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: No report? Salt in for the winter?

Service Director Reinsmith: Yes. I think today we were having classes on beet juice. The county also shared that class.

President Ertel: Are we seeing a spike in salt prices like we did last year?

Service Director Reinsmith: No.

President Ertel: So it's okay. That's good.

Councilman Wells: Can I ask a question about beet juice? I heard a report that beet juice is really caustic to the undersides of vehicles. Davey, you might have an answer on this from the dealership. Have you had any problems?

Mayor Raizk: I haven't heard that it is anymore caustic than the salt.

Councilman Wells: But, we have not really used it much in our area.

Mayor Raizk: No it has not been used. I think the jury is a little out on it.

Service Director Reinsmith: And Denny is not going to mix any salt with it. You can mix salt with the beet juice and then it becomes very expensive. But, Denny is not going to mix the salt with it.

Mayor Raizk: I think that is where the caustic part comes in – when it is mixed with salt.

Service Director Reinsmith: And it doesn't taste very good. I know they were dumping it into the tank and splashed a little onto one guy's face and it was nasty.

Councilman Jaehnig: It will make all of the roads a nice romantic red.

Service Director Reinsmith: No color.

[Banter]

President Ertel: Safety Director?

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

Reports:

A motion was made by Wells and seconded by Stuckert to approve the Auditor-Treasurer Report – September 2011, as received.

Motion passed.

Reports accepted as received.

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

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

Paul Hunter: No report.

[Laughter]

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 McKay to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, November 3, 2011, with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Duane Weyand was also present.

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

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Mead and seconded by Wells to approve the minutes of the last regular meeting, October 20, as received.

Motion passed.

Minutes approved as received.

President Pro Tem of Council – Sandy Mongold: We have a couple of notices of public hearing. The first is a notice of public hearing on rezoning petition of Fifth Third land regarding 1.362 acres of land, more or less, located on the corner of Rombach Avenue and Oak Street in the City of Wilmington, Ohio, from B1 Local Business and R2 Single-Family Residential to B3 Roadside Business. The public hearing will be held on Thursday, November 17, at 7:30 p.m. in the Council Chambers, 69 N. South Street.

President Pro Tem Mongold: Also, we have notice of public hearing on rezoning of 55 acres, which is part of the a 281.312 acre tract located on S.R. 134 and Davids Drive from R3 Multi-Family Residential to I1 Industrial. The subject real estate is the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver, RLT, dated 3/12/1997 and Kirby L. Tolliver, Trustee of The Kirby L. Tolliver RLT, dated 3/12/1997.

Councilman Jaehnig: When is that meeting?

President Pro Tem Mongold: That is December 1 at 7:30 p.m. For all rezonings, a plat and a report of the Wilmington, Ohio, Planning Commission are on file with the Clerk of the Wilmington City Council, Municipal Building, 69 N. South Street, and are available to the public for inspection.

President Pro Tem Mongold: We also have a notice of public hearing on the application of the City of Wilmington for an Ohio EPA Permit related to the vertical expansion of the landfill at 397 S. Nelson Ave., Wilmington. The public hearing will be held on Monday, December 5, 2011, at 6:30 p.m. in the community room of the City Building. A copy of the permit application is available for public inspection at the Wilmington Public Library. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Madame President Pro Tem. I don't have any legislation or item tonight other than it has been a long time coming and we're glad to have the bypass open. For some of us, it has been about a 30-year walk or more. I would like to say to the Chairman of the Streets Committee, I will be seeking a time when the Streets Committee can meet and discuss some proposed legislation about trucks turning in the downtown area. We want to get the research done first and then we will get with you on that. That is all I have this evening.

President Pro Tem Mongold: Thank you, Asset, Acquisition and Use: we have no report. Mr. Auditor?

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

Auditor – Auditor David Hollingsworth: Nothing. I would just inform everyone that I will have reports available prior to our work session for the budget. I have September finished and I have Mary Kay working on closing out October, so we will have up to date information. There were some income tax dollars that we collected in October that I think will help the cash balance, so I want to make sure that we have that reflected. Also, we will be working on what we think we are going to spend for the remainder of the year, so we will have hopefully a pretty good hold on what we think our cash balance is going to be and then we can take a look at the budget and see what we can do.

President Pro Tem Mongold: That’s great. As a reminder, on 6 p.m. before the next council meeting, which is November 17, we will be having a budget workshop here in council chambers. Also, we will need to have a finance meeting prior to that evening to discuss the supplementals and transfers. We will let you know when that will be held. Probably it will be the Monday before that meeting.

Finance Committee – Chairperson Sandy Mongold: Tonight we have two items. The first is an ordinance making supplemental appropriations. The first item is from the Police Fund to the Jail and Workhouse for the sum of \$4,000. Duane, do you want to go ahead and explain it?

Assistant Duane Weyand: The reason for the supplemental is we have a jail contract with the Clinton County Sheriff’s Department for housing our prisoners. The jail contract itself runs for two years and it ends in the first quarter of this year. The jail contract before was around \$290,000 and it was about a \$60,000 quarterly cost. We renegotiated our contract and were able to lower it down. However, this year we only budgeted \$199,000 and some change for jail housing and also cut our benefit cost. So, with having budgeted based upon \$45,000 quarterly costs and the medical costs, having that first quarter under the old contract put us in the red. We knew that going in because we didn’t have our contract finalized with the jail until probably about April 1 or April 2 – somewhere in that area. So, we have had a few extreme cases where we have had some people with some rare medical costs that we were responsible for. We had one person stuff a canister up his rectum prior to being arrested and we had to have that removed. Stuff like that has a tendency to increase your cost to do business. So, we have incurred some medical costs that we would have never have incurred under most normal circumstances. So, in order to finish out the year, we just need a supplemental to help survive.

President Pro Tem Mongold: Thank you. I am going to let Mark do the motion.

Councilman McKay: 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.

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

Motion passed.

President of Council declared Ord. No. 4995 passed as read.

President Pro Tem Mongold: The second item tonight is an ordinance making miscellaneous transfers. We have three items. Are there any questions on the three items. I will be more than happy to answer them. They are small.

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.

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

Motion passed.

President of Council declared Ord. No. 4996 passed as read.

President Pro Tem Mongold: Thank you. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Wells: Since Mike is not here, no report, Madame President.

President Pro Tem Mongold: Streets Committee?

Streets Committee – Chairperson Wells: No report.

President Pro Tem Mongold: Solid Waste/Recycling?

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

President Pro Tem Mongold: Wastewater/Sewer?

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

President Pro Tem Mongold: Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item on the agenda tonight, Madame President. This is three readings on a resolution enacting a Tax Incentive Review Council recommendation. This is in regards to Timbertech and the agreement that they have already had. They are easily meeting the agreement so we would like to go forward with the recommendations from the Tax Incentive Review Council. Any questions in regard to that?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Enacting Tax Incentive Review Council Recommendation (Timbertech).

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

Motion passed.

President of Council declared Res. No. 2262 passed as read.

Councilman Jaehnig: That is all we have on our agenda, Madame President.

President Pro Tem Mongold: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have two items tonight. The first item is three readings on a resolution authorizing the mayor to enter into an agreement regarding the payment of fees for transportations services. This is the police escort services for mental health crisis interventions. This is actually past due, so we don't only

need to have readings but it is an emergency. This is a renewal of the same agreement that we have in place already. There are no changes, if I remember correctly. Are there any questions in regards to this?

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Enter into an Agreement Regarding the Payment of Fees for Transportation Services or Police Escort Services Related to Mental Health Crisis Interventions and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2263 passed as read.

Councilman Jaehnig: Thank you. Our second item tonight is also three readings on a resolution authorizing the mayor to enter into an agreement with the Warren-Clinton Drug Task Force. This is a mutual aid agreement. We help them; they help us. We offer up services in trade. This allows us to do drug stings without our officers, which are easily more recognizable, making the sting more effective. This is a standard agreement that we have had for a few years now. Duane, did I leave anything out on that?

Assistant Chief Duane Weyand: No. That sums it up.

Councilman Jaehnig: Are there any questions?

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Enter Into an Agreement with the Warren-Clinton Drug Task Force for Mutual Aid and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2264 passed as read.

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

President Pro Tem Mongold: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Yes, Madame President. I would just like to follow up on the mayor's lead on the bypass and I guess they are actually calling it relocation of SR 73. It will be better news than the bypass. I think it is just a few steps in helping with our downtown revitalization. It will certainly reduce truck traffic through the town and enable people to feel safer to shop and park downtown. It will also allow us, hopefully, to do more street closing so we will be able to rally folks around the downtown and not have to have a lot of traffic snaking around through great detours. I think it is a really a great thing for the downtown. Yes, Rob?

Councilman Jaehnig: I was in Jen's Deli today with an out-of-towner for lunch. We were walking down the street. She hadn't been in town for three months and she says, "What's different?" I said, "It's not all the trucks." I was in at Jens and they said they couldn't believe the difference in how much pleasanter it was in their shop and they actually did see an increase in business.

Councilman McKay: That's just the first day.

Councilman Jaehnig: It's very positive feedback. I'm very happy about that.

Councilman McKay: Wait until people find out about it.

President Pro Tem Mongold: I actually drove the bypass today because I was on the other end of the town and needed to go to the west end. It was very heavily traveled. I was surprised. There were quite a few cars driving on it.

Councilman McKay: That is all I have, Sandy.

President Pro Tem Mongold: Thank you. Parks & Recreation?

Parks and Recreation Committee – Convener Bob Mead: It is not a city project, but I do see that Little Hearts Big Smiles Park is getting some work done on it. Mr. Mayor, do you know what is happening.

Mayor Raizk: Well, I think they have been working on the parking lot, which is phase I. They have been proceeding right along there with that. I think that's the first phase. Then they are working on the rest of it. As you know, we are going to do water lines for them in the spring out of the new grant coming forward, when it is decided where they need it done and so forth. It looks like it is coming along. They are going to take a little advantage of the season we have had here to get at least the parking lot done. That is what I know. Is that what you know, Larry?

Service Director Reinsmith: That's about it.

Councilman Jaehnig: They got a very good offer from Melvin to be able to get that parking lot in before the end of the year.

Service Director Reinsmith: It look like they were bringing in quite a bit of stone in there.

Councilman Mead: I came by the other day in the rain and they were out there working in the mud, slogging around in the mud and the rain out there. Later the sun came out and it dried off and nobody was out there anymore. I wish them the best of luck.

Mayor Raizk: I think things are going well. As Rob said, they got a good offer to get that part of it done before the end of the year, which will be good for them so when next year's construction season starts, they will have that much done.

Councilman Mead: That is all, Madame Chair.

Councilman McKay: I was actually at a meeting where they were discussing this park. I think they made the parking lot like twice as big as they normally would because it sits in conjunction with the 4-C trail and obviously people will be able to use that parking lot when they want to walk or bike on the 4-C trail. That is going to be an extra advantage to having that there.

President Pro Tem Mongold: Okay. Service Director?

Service Director- Service Director Larry Reinsmith: One quick note – a little follow-up. We had a complaint here recently on that railroad crossing there on Sugartree Street. That was reported to the Ohio Rail Commission and PUCO. They did an inspection on that crossing. Of course, they said it needed repair, so they contacted the Indiana-Ohio

Railroad and pretty much was given until – well they are going to do a re-inspection on the third week in November to see what they have done. We have options of repairing it ourselves, but we have to sue the railroad for the money, so we really want them to make the repairs. We will keep you abreast on that. Hopefully we will get that cleaned up for you. Any other questions? That is all, Madame President.

Scott Kirchner: Larry, do you have any input on the leaf pickup. When should we dump them into the...?

Service Director Reinsmith: Into the catch basin? They're picking them up already. I know somebody else asked about leaf pickup already. You know, they used to put that in the newspaper. They would say, we are going to be in the northern quadrant this week and so forth. I'll talk to Denny about it.

Mayor Raizk: Our normal official date is November 1. That has been the traditional. Because the leaves seemed like they fell earlier, people had them out there, so they have picked up what they have seen to try to get ahead of it. I think we will have some quadrant dates very shortly. They'll be coming back for the second time around.

Scott Kirchner: I'll just keep piling.

Mayor Raizk: Keep them coming...in the catch basin.

Councilman Wells: I have one question for Larry. You know where we did the patch on Meadow Ridge Circle, well, there is a new area in front of that about one house where the base is caving in again and kind of raised up. If we have any time before winter could we maybe level that out.

Service Director Reinsmith: Did somebody do some vandalism on the right where we made the first repair, Don? You know we made the patch and that woman was kind of happy there, and then somebody did something over there. I will talk to Denny on that.

Councilman Wells: Yeah. Because of the asphalt, the base has kind of caved in.

Mayor Raizk: Also, Don, I don't know. You had asked in the Streets Committee meeting about the type of patching...you know the kind of machine that does that. We have done some on Nunn and Josephine and some other streets already. When you get an opportunity, go and look at it. It's the type that you were inquiring about. You were asking if we could get a machine like that. We do have that equipment. They have made some patches over the crack sealing. What type is it called Larry, where it uses the emulsion?

Service Director Reinsmith: Emulsion and stone.

Mayor Raizk: They use an emulsion and stone fill. It has helped a lot. You'll have to take a look at it and see.

Councilman Wells: I'll check it out. Thank you.

President Pro Tem Mongold: Mr. Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by Mead to approve the Income Tax Report – October 2011, as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: 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.

Gerald Holmes: 896 N. Lincoln Street. Basically, I am here today to go over the application agreement for tenants. It's good. It helps. We would like to add an extra applicant name, because normally there are two tenants on a lease agreement. Not only their name, but all of the other information, the account number, social security number, date of birth. We would also like to see somehow to be able to get a duplicate bill of what tenants are paying. There is a lag time in the time the water gets shut off. Because Ohio Revised Code makes the landlord pay, that way it would give us the ability to kind of be in touch with the tenants to try to get them to pay up. Tenants have been known in the past to fill above-ground pools and everything else before they leave because they know they don't have to ultimately pay the bill. That could be added on the bottom of the sheet where it says automatic transfer, yes or no, you could ask the landlord there, automatic duplicate bill? Yes or no. As simple as that. That way we can see whether they are paying or not. We have talked to a lot of other landlords and they have suggested a deposit for tenants, \$100, that would be two months' worth of water normally. That would give us time to catch up to the tenants. We have been stuck with water bills for years now and it's killing us. That is all I have to say.

Mayor Raizk: Do you have those things listed on that?

Gerald Holmes: I have one that is like that. I have copies of blank ones.

Mayor Raizk: If you would leave it with the clerk and we'll forward that on to the water committee and let the Director of Law look at it and so forth. When the committee looks at it, we'll let you know. Okay?

Gerald Holmes: Thank you.

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

Councilman McKay: Don't forget to vote.

Seeing no one else who wished to speak, President Pro Tem Mongold 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, November 17, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane 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 3, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel introduced Fadi Al-Ghawi to come forward to give a presentation.

Fadi Al-Ghawi greeted the council and said that he was there on behalf of Habitat of Humanity. He said that Habitat for Humanity is a non-profit organization that helps needy families; they could only do it one family at a time. Without the help of individuals, businesses and churches the mission is very hard to accomplish. He said that he was proud to say that this year they helped two families in Midland and broke foundation in Wilmington. He went on to say that by the end of next year they hope to have two homes built in Wilmington. They receive help from a grant to do this. In addition, every year in November they have a Harvest Dinner as a way to say thank you to those who support Habitat for Humanity. He explained that they call it a celebration of their harvest because they have planted the seed earlier in the year. Mr. Al-Ghawi said he normally presents an award for people who do a lot of work for Habitat through monetary contribution, volunteer hours or donated material. He said that this year, an award was going to be given to the Service Department of the City of Wilmington. He explained that the city provided support helping to cut trees and haul trash. He presented the award to Larry Reinsmith.

[Applause]

Service Director Reinsmith said that he was impressed by the quality of the homes after they were built.

Fadi Al-Ghawi said that if it wasn't for the city with the help of the permits and services, they would not be able to do the houses. He said that they have done good rehab on the south end of the city and hoped it would continue.

[General comments of thanks and applause]

President Ertel announced a Notice of Public Hearing on Rezoning of 55 acres, which is part of a 281.312-acre tract located on S.R. 134 and Davids Drive from R-3 Multi-Family Residential to I1 Industrial. The subject real estate is the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver RLT, dated 3.12.97, and Kirby L. Tolliver, Trustee of the Kirby L. Tolliver RLT, dated 3.12.97. He said that hearing would be on December 1, the first council meeting in December.

For all rezonings, a plat and report of the Wilmington Planning Commission are on file with the Clerk of Wilmington City Council, Municipal Building, 69 N. South Street, Wilmington, OH, and are available to the public for inspection.

President Ertel announced the Notice of Public Hearing on the Application of the City of Wilmington for an Ohio EPA Permit related to the vertical expansion of the landfill at 397 S. Nelson Ave., in Wilmington, OH. The public hearing will be held on Monday, December 5, 2011, at 6:30 p.m. in the Community Room, City Building, 69 N. South

Street in Wilmington. A copy of the permit application is available for public inspection at the Wilmington Public Library.

President Ertel opened the public hearing on the Rezoning Petition of Fifth Third Bank regarding 1.362 acres of land, more or less, located on the corner of Rombach Avenue and Oak Street in the City of Wilmington, Ohio, from B1 Local Business and R2 Single-Family Residential to B3 Roadside Business. He asked for questions and/or comments.

Mayor Raizk explained that the petitioners have been before the Planning Commission and that there is a letter stating that the Planning Commission voted unanimously to approve the rezoning.

President Ertel asked if anyone else in the audience wish to make comment.

Jill Tangeman, Counsel for Fifth Third, 52 E. Gay Street, Columbus, OH. She explained that Fifth Third is seeking to locate on the site. She stated that she was joined by Michael Rubino from GPD Group, the land planner, who was there to give more details about the site and show pictures.

Michael Rubino greeted the council and expressed his thanks on behalf of Fifth Third Bank. He stated that they were very excited about the opportunity to modernize and relocate their branch. He said that with the new building, customers would have a more pleasant experience with their banking. He presented renderings of a new ground-up building in brick. He presented a site plan and offered the opportunity for questions.

Paul Hunter asked which branch was to be replaced.

Michael Rubino explained that it would be replacing both branches.

Bob Mead asked if there was any sort of timetable for the project.

Michael Rubino answered that Fifth Third would like to move as quickly as possible. He explained that the existing tenant, Pizza Hut, is still operational and their lease does not expire until the end of 2012. He said if they chose to leave early, Fifth Third would move forward earlier. He said the latest they would move forward on the project would be the end of 2012.

President Ertel asked what the timetable would be to finish the project once they break ground.

Michael Rubino said he thought that the typical construction timeframe was 16-20 weeks.

Paul Hunter asked if the location had access off of Oak or off of both Oak and Rombach.

Michael Rubino said that there would access be off of both thoroughfares. He pointed the access points on the site plan.

Unknown female speaker asked if they were tearing down the houses and duplex.

Michael Rubino said that was the plan.

President Ertel asked again if there were any other questions or comments.

Scott Kirchner asked if the rezoning was dependent on the project. For instance, if Fifth Third chose not to go forward with the project for some reason, would the zoning revert back to the original designation?

Mayor Raizk explained that the rezoning would stay with the land regardless of whether the project was completed.

President Ertel asked again if there were any other questions or comments.

Councilman Jaehnig asked if there were any citizens who live in the area of the proposed project in attendance at the council meeting.

Gerri Breckel said she lived at 51 Oak Street, which is across from the proposed rezoning. She said that she had no problem with the rezoning and proposed project. She said she would be glad to see the trailers go.

[General comments of approval]

Councilman Mead said that he had heard a rumor that the Highway Patrol may have some concerns about the traffic in the area with the construction of the new building. He asked if anyone else had heard that.

Kathryn Hapner said that she had received a letter and had sent it to Planning Commission. She said the biggest concern was the traffic coming out of Rombach, but with most of the traffic coming out on Oak, they would be okay.

Mayor Raizk said that there actually would be a reduction in the amount of ingress and egress on Rombach with the current site plan. He said the other concern of the Highway Patrol that came out in Planning Commission was the type of business that was going to go in. He said that they had no problem with it being a bank.

[Discussion of traffic in the project area]

Councilman Jaehnig asked Larry Reinsmith to explain the definition of a B3 Roadside business zone.

Service Director Reinsmith explained that B1 is a local business and is limited. He said that a B2 is basically a downtown business because of the minimal setbacks. He explained that B3 is a general roadside business. He said the B3 designation is all encompassing and more flexible.

Mayor Raizk said that the B3 designation is commensurate with the types of the zoning that are in the area.

Councilman Jaehnig said he was curious why Pizza Hut was not already a B3.

Service Director Reinsmith explained that it was zoned B1 because that was the existing zone it was built in.

[Discussion/Banter regarding zoning designations and businesses located in the area]

President Ertel said he thought it would be a wonderful addition to Wilmington.

President Ertel closed the public hearing.

Mayor – Mayor Raizk had no report.

Asset, Acquisition and Use – Chairperson Sandy Mongold had no report.

Auditor – Auditor David Hollingsworth had no report.

Finance Committee – Chairperson Sandy Mongold said that they had two ordinances. The first one 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4997 passed as read.

Councilwoman Mongold said the second item was an ordinance on several items 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4998 passed as read.

Councilwoman Mongold said that was all she had this evening.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – Chairperson Wells had no report.

Solid Waste/Recycling Committee: Chairperson Don Wells said he had nothing on the agenda, but said they recently had a meeting of the city officials regarding the landfill commercial rates. They discussed the possibility of making it fair and equitable to the City by increasing the fees so that the City can meet all of our obligations to the state. He said it would be better for the City and increase our revenue. He said he wanted to mention it in case anyone had questions regarding it. He asked Larry Reinsmith if we the City was working on informing people.

Service Director Reinsmith said the letters went out yesterday.

President Ertel asked for clarification on the rate increase.

Service Director Reinsmith said it was really for commercial rates. He said there were some fees imposed by EPA and the Solid Waste District. He said we could make adjustments to cover those.

Councilman Wells said that we had to meet obligations of fees that we have to pay.

Service Director Reinsmith said that the City lost one customer today, but most of the big box movers were already on board with the increase.

Councilman Wallace asked if the general public's costs were going up as well.

Service Director Reinsmith said not at this time. He said that after talking with the landfill superintendent, figuring the increases we face, there could possibly a fifty cent per month increase should the City choose to go that way.

Councilman Wells said he was not aware of that increase.

Service Director Reinsmith said that he had just had that conversation today.

Wastewater/Sewer Committee: Chairperson Mark McKay had no report.

Judiciary Committee: Chairperson Rob Jaehnig said they had one item on the agenda: three readings on an ordinance changing zoning on real property located in the city. He said it was in regards to the Public Hearing on the piece of property talked about this evening. He asked if there were any questions or discussions on the item.

Scott Kirchner said he had one question that occurred to him after the public hearing had closed. He asked if there would be job losses associated with the new branch consolidation.

Councilman Jaehnig said in talking with the two managers, the indication is that there would be none whatsoever with Fifth Third. He said in talking with Pizza Hut, Pizza Hut has no intentions of abandoning this market. He said that if the project moves forward, Pizza Hut has every intention of finding a new location and has a year to do so. At this point, the indications are that there would be no job losses. Councilman Jaehnig asked for verification from the Fifth Third representatives.

Fifth Third Representative (unidentified male speaker) said that as far as Fifth Third was concerned, there were no planned staffing changes. He went on to explain that the building they were proposing is larger than their typical building in order to accommodate the staff at both offices.

Councilman Jaehnig asked if there were additional questions.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio (1.362 +/- acres located at the corner of Rombach Avenue and Oak Street).

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

Motion passed.

President of Council declared Ord. No. 4999 passed as read.

[Banter regarding Fifth Third representatives leaving the meeting]

Safety Committee- Chairperson Rob Jaehnig had no report.

Downtown Revitalization Committee - Convener Mark McKay had no report.

Parks and Recreation Committee - Convener Bob Mead had no report.

Service Director- Service Director Larry Reinsmith had no report.

President Ertel said he saw in the paper that the City had enough salt.

Service Director Reinsmith said that was true. He also said that they were still picking up leaves. He said the truck was down yesterday because they lost the alternator, but it was working again. He said that he spoke to Denny who says they have made three trips around the town. He said that there are a lot of leaves and they spent an entire day just doing Timberlane.

Mark McKay said that is why they call it Timberlane.

Councilman Jaehnig said that he is proud to say that the Wilmington Tree Commission has every intention of adding to the leaf problem.

Service Director Reinsmith said that they cut the sidewalk in front of the hotel to add more trees.

Clerk Laura Curliss said that Mike McCarty was doing plantings of some trees that were damaged in the City.

Councilman Jaehnig said that there were three plantings going on the next week.

Service Director Reinsmith said he thought Mike had purchased eight trees.

Councilman Jaehnig said there were black gum trees going over by the Ohio State Patrol on the curve. He said there were two trees going in by the General Denver. He said they also placed a yellowwood in front of the Methodist Church.

[Discussion of tree locations]

Councilman Wells asked if we had heard anything about a long-horned beetle in Clinton County yet.

Service Director Reinsmith said they had it in Cincinnati in Hamilton County.

Councilman Wells said he thought Butler County had a problem with it.

Clerk Laura Curliss said she thought it (the Asian long-horned beetle) affected all trees.

Service Director Reinsmith said he thought it liked hardwood trees.

[Discussion of the Asian long-horned beetle and emerald ash borer]

Safety Director – Mayor Raizk had no report.

Reports:

A motion was made by Wells and seconded by Mead to approve the Auditor-Treasurer Report – October 2011, as received.

Motion passed.

Reports accepted as received.

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

Councilman Jaehnig said that they were now nine days away from Holidazzle, which will be the Saturday after Thanksgiving. He said everything was full-speed ahead. He said with the bypass opening, they would be able to shut down Main Street from the Murphy block and the Courthouse block and South Street from the Municipal Building block and the courthouse block. He said there would actually be four blocks closed downtown for the event. He said North South Street would be the children's area and there would be children's activities in the City building. He said that a nice addition this year was that Frontier Communications was sponsoring a phone bank where children would be able to call the north pole and talk to Santa's elves. He said they were bringing two balloons back to town, which will be in the courthouse block area. He said they had added food vendors and craft vendors. Councilman Jaehnig went on to say that this year the parade-reviewing stand would be on South Street. He also said there was one major surprise that they were not yet announcing.

Paul Hunter asked what happened to the South Street bridge. He thought the project was supposed to happen this summer.

Service Director Reinsmith said that it was not scheduled this summer but was going to be bid in February or March.

Paul Hunter asked if they were going to make accommodations for the person who sleeps there.

Service Director Reinsmith said that they he thought they were going to try to make arrangements for the person sleeping under the bridge. He said that he knew the gentleman had been spoken to about the upcoming project.

[Discussion/banter regarding bridge project]

Councilman Mead said that he wanted to pass on to the Asset, Acquisition and Use Committee that maybe the city would be better served to keep the parcel at the end of Columbus Street without the house. In the end, for the city, it might give them better access to their area back there, for no more than we are going to get out of it. He said he thought they should think about it in case it might be something good for the city.

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

Lee Hendee announced the Web Entertainment Media would be webcasting the Holidazzle Parade. He said the intent was not to keep people from attending. He said it was to draw outside attention to Wilmington. He said he was promoting it through mass email and Facebook. He said there were people as far as away as New Zealand who watched the parade on his site last year. He said the City has always done a fine job with supporting the parade.

Councilwoman Mongold said that Main Street was sponsoring Open Houses for the downtown businesses on November 25 and 26. She said they will also have the window decorating contest again this year. She said there were many participants, including many new ones. The judging would be at 6 p.m. on Friday.

Councilman Jaehnig said that DP&L is the major sponsor this year for Holidazzle and we would not be able to put the parade on without them. He thanked Jeremy Bryant for their support.

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 Wells to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, December 1, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

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

President of Council – Fred Ertel mentioned a Notice of Public Hearing on the application of the City of Wilmington for an Ohio EPA permit related to the vertical expansion of the landfill at 397 S. Nelson Ave., Wilmington, Ohio. The public hearing will be held on Monday, Dec. 5, 2011, 6:30 p.m., in the Community Room, City Building, 69 N. South Street, Wilmington, Ohio. A copy of the permit application is available for public inspection at the Wilmington Public Library.

President Ertel opened the public hearing on the rezoning of 55.789 +/- acres, which is part of a 281.312 acre tract located on S.R. 134 and Davids Drive from R-3 Multi-Family Residential to I-1 Industrial. The subject real estate is the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver RLT, dated 3.12.97 and Kirby L. Tolliver, Trustee of the Kirby L. Tolliver RLT, dated 3.12.97.

Bill Peelle introduced himself as the attorney representing the Tollivers. He said that council should remember that this matter was before the council a few months ago. He said that in the initial application, he requested the full 281.312 acres be rezoned. He explained that the legal description did not reflect the full amount so there was a 55-acre tract out in the middle of the area that was not rezoned. He said that this current rezoning request was to finish up the initial rezoning. He explained that this was part of the Tolliver Fields project to create a shovel-ready site for certain kinds of agricultural products.

Councilman Jaehnig explained that this 55 acres was intended to be included in the original legislation but was omitted in the legal description portion of the legislation.

President Ertel said that council was planning on having three readings if that would be appropriate.

Bill Peelle said he would appreciate that very much.

President Ertel asked if there were any other comments or questions.

Seeing none, President Ertel closed the public hearing.

Mayor – Mayor Raizk had no report.

Asset, Acquisition and Use –In the absence of Chairperson Sandy Mongold, Councilman McKay announced that they had one piece of legislation. He said they had the first reading on legislation authorizing the mayor to enter into a purchase and sale agreement with Xidas Enterprises. He said that the legislation was reviewed earlier in committee and asked if there were any questions.

Councilman Wells asked if it would be possible to get a copy of the appraisal.

Mary Kay Vance said it was available in her office for review.

Councilman McKay explained that this resolution would permit the city of Wilmington to purchase the property which was formerly the Manhatten. After purchase, it would be passed on to DWCIC for use as a public area as part of the Sugartree Street Corridor. He said further that the funds used to purchase the property would be grant funds and would not come out of the general fund.

Mayor Raizk said that the contract is in preparation and would be available by the next council meeting.

A motion was made by McKay and seconded by Wallace to give the first reading only on the resolution Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Real Property Owned by Xidas Enterprises, Inc. (.316 Acres More or Less) and Declaring an Emergency.
Motion passed.

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

Auditor – Auditor David Hollingsworth presented a two-page worksheet that he had made to simplify the status of revenue and expenditures. He pointed out the carry-over balance on the report, \$2,875,750 reflects the worse-possible-case scenario. He said it was a conservative estimate. He said that he put in bold the revenue sources that would be significantly reduced in the coming year. They include: Local Government Fund, Homestead & Rollback, Fire Contracts, Tier II Grant, and Miscellaneous Revenue. He said that according to the budget, the City would be taking the Fund Balance down from \$2,875,750 to \$1,873,496 by the end of next year. He said that he thinks the council members need to get a budget in place and then work on it as soon as the new year starts. He said that it is imperative that we have a budget in place in order to operate. He pointed out that about half of the expenditures are tied up in transfers to other funds. He said that in order to make substantial cuts in order to balance the budget, we would be talking about cutting people. Mr. Hollingsworth said that we would not be doing anything wrong in passing the budget as it now stands as we have the funds in place to cover the budget. He said that a budget is always temporary, because we always change it during the year through supplementals and transfers. For instance, in the current year, we are probably going to spend \$800,000 less than what we had budgeted.

Paul Hunter questioned the auditor's statement that we have to have a budget by the first of the year. He said that some cities do a continuing resolution that carries them into the next year. He asked if this was a law or if this is the City of Wilmington's policy.

Auditor David Hollingsworth said he would have to refer to the Law Director.

Law Director Kathryn Hapner stated that we have to have at least a temporary budget in place by the end of the year. She said we have to submit a final budget to the county auditor by, she believed, March 31, but she was not sure.

Paul Hunter said that Hillsboro did a continuing resolution and did not have the final budget until the end of January.

Councilman Jaehnig asked if Hillsboro was statutory.

Law Director Hapner said that Hillsboro was statutory and that they always passed their budget in this fashion. She was not sure why. She said she thinks it is a better policy to have the budget in place by the end of the year. She said she also understands that things are in flux right now. She said we have to have at least a temporary budget in place so we can go into the next year. She said we did not have the final budget submitted to the county auditor until later.

Mark McKay said he thought we would discuss the issue in Finance Committee later in the meeting.

Mike Mandelstein asked if there was a possibility of, as the workforce ages and people start to retire, to farm out services privately and to let people be bought out.

Auditor David Hollingsworth said that this has been looked at. He said that some positions have not been replaced after people have retired or have left. He said those types of decision would be under the direction of mayor and department heads.

[Discussion of figures in auditor's report]

Mike Mandelstein clarified his understanding of the budget. He said that it was his understanding that City departments were cut as far as they could without reducing services and that the budget was going to be this way until something happens on a regional basis in terms of the economy. He stated it was as if the city was in a lifeboat that still has enough supplies to get us somewhere for a while, but we better see land soon.

Paul Hunter asked if the safety budget took into consideration the status of the communications director.

Auditor David Hollingsworth said that any changes that we know of going into next year are factored into the budget.

President Ertel asked if there were any more questions.

Auditor David Hollingsworth said that was all he had.

President Ertel announced that under the Finance section, Councilman McKay had asked that the budget ordinance be delayed until the end of the meeting.

Finance Committee – Councilman McKay introduced the ordinance making supplemental appropriations and asked if there were any questions.

A motion was made by McKay 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 McKay 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; Stuckert, 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 Wallace to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 5000 passed as read.

Councilman McKay introduced the ordinance making miscellaneous transfers and asked if there were any questions.

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

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

Motion passed.

President of Council declared Ord. No. 5001 passed as read.

Councilman McKay introduced the legislation creating a new fund and asked if there were any questions.

Scott Kirchner asked if there was a committee meeting where this was discussed.

Mary Kay Vance explained that it was just the fund that was being created for the CDBG Formula 2010 grant that had already been awarded.

Scott Kirchner asked if we were just now receiving the 2010 funds.

Mary Kay Vance said that we had received the award but the funds needed to drawn down as used.

Mayor Raizk clarified that the fund was for the CDBG year 2011, as stated on the agenda.

Scott Kirchner asked if the projects have already been identified.

Mayor Raizk explained that the projects had already been identified and that a public hearing had been held regarding the grant.

Service Director Reinsmith said that there was money in there for a new roof on Rainbow Village, demolition of two to three houses.

Andrea Tacoronte added that the water line to the Little Hearts Big Smiles park was also in the grant.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Establishing a New Fund (Fund #264 – CDBG FY 2011).

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, 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 Wallace to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 5002 passed as read.

Councilman McKay announced that they would tackle the budget ordinance after the other committee reports.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – Chairperson Wells introduced legislation authorizing the abandonment and relocation of a portion of SR 134 in the City of Wilmington, the journalization of the new route and declaring an emergency. He asked if there were any questions.

A motion was made by Wells and seconded by Wallace to give the first reading only on a resolution Authorizing the Abandonment and Relocation of a Portion of S.R. 134 in the City of Wilmington, the Relocation of the New Route 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; Stuckert, yes; Wallace, yes; Mead, 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; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes.
Motion passed.
President of Council declared Res. No. 2265 passed as read.

Service Director Reinsmith explained that on ODOT's journal of state highways, Lincoln Street had always been journalized as the route for 134 N coming off of Locust Street. Years ago, the route was changed because Lincoln Street is so narrow and there are so many vehicles were parked on it that they wanted traffic to go north on South Street up to Lorish, turn right on Lorish and then left on Lincoln. Service Director Reinsmith said it had been signed that way and that has been the route for many years. During the process of the bypass, it came to ODOT's attention that in their journal, they show Lincoln Street as the route. In the future, it could affect funding for paving projects. He said that the City is just changing the route to reflect what is actually used.

Scott Kirchner asked why it is an emergency.

Service Director Reinsmith said that ODOT's timetable is what causes it to be an emergency.

Solid Waste/Recycling Committee: Chairperson Don Wells had no report.

Wastewater/Sewer Committee: Chairperson Mark McKay had no report.

Judiciary Committee: Chairperson Rob Jaehnig introduced the ordinance changing the zoning of real property in the City of Wilmington. He reminded members that this had to do with the public hearing they just heard from Mr. Peelle.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio (Tolliver Fields Project – 55 +/- acres from R-3 to I-1).

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; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes.

Director of Law 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; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5003 passed as read.

Safety Committee- Chairperson Rob Jaehnig introduced legislation authorizing the mayor to enter into a contract to provide EMS and fire service to Adams Township East. He explained that it was a renewal of an existing contract and asked if there were any 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 an Agreement with the Board of Trustees of Adams Township for the Provision of Fire and Emergency Ambulance Services for 2012-2013.

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; Stuckert, yes; Wallace, yes; Mead, 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; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2266 passed as read.

Councilman Jaehnig expressed his thanks to the Wilmington Police Department for their assistance with Holidazzle. He said that this was the fifth year for the event and all five years have been injury-free. He said the police did a great job of making sure everyone gets to and from the event without incident.

Assistant Chief Weyand thanked Councilman Jaehnig for his comments for all of the planning that went into the event. He said that everyone he talked to enjoyed the evening.

Downtown Revitalization Committee - Convener Mark McKay said that Holidazzle was a great event. He said for the first time they were able to close two streets, which allowed them to have more activities and had more downtown businesses involved. He said it helps to make Wilmington a destination.

Councilman Jaehnig said that they already had four entries for next year. He said that all of the guests that stayed at the General Denver have already rebooked for the next year. He said the original goal of the event was to give the citizens of Wilmington a reason to stay in town on Thanksgiving weekend to ensure that they would not spend monies in other communities during the biggest shopping weekend of the year. He said one of the nice things were all of the teenagers coming back into town from college. It is becoming part of their history and they are not about to miss it. He said quite a few families were holding family reunions on this weekend and incorporating Holidazzle into it.

Assistant Chief Weyand said one of the very nice things about it was he had no complaints from people regarding the traffic. He said that in the past, he would always have complaints during any given parade, but because of the bypass, people were able to get where they needed to go without problems. He said that they ended up closing off two extra streets just to accommodate the crowds. He said the intersections were so crowded they had to expand the area to accommodate more people.

Parks and Recreation Committee - Convener Bob Mead had no report.

Service Director- Service Director Larry Reinsmith had no report.

Safety Director – Mayor Raizk had no report.

Reports:

A motion was made by Wells and seconded by Mead to approve the Hotel Lodging Tax Report – Third Quarter 2011 and the Income Tax Report – November 2011, as received. Motion passed.

Reports accepted as received.

President Ertel announced that they would be going back to the Finance Committee to discuss the budget ordinance.

Finance Committee – Councilman McKay said that several council members and others had approached him in regards to the budget. He said everyone of them are well-intentioned and want a good budget that they can live with. He said they talked about the possibility of engineering a budget that would just be for the first quarter and then allow the new administration to come in and take a look at it immediately and start working on it. He said he had spoken to David Hollingsworth and the Law Director regarding this. He asked David Hollingsworth to share his thoughts on whether or not that is something that could be done.

Auditor David Hollingsworth said that it probably could be done, but he would refer to the Law Director. He said a potential problem with doing that is there are some expenditures that only happen within the first quarter and it may be difficult to anticipate those items and then go back and revamp the entire budget. He said you could just put the entire budget in place and then attack it at the beginning of the year and decide what

cuts you are going to make. He said just because it is approved does not mean it is going to be spent.

Paul Hunter asked if they could just break out the general fund from everything else.

Auditor David Hollingsworth said that he was speaking about the general fund. He said there were several funds that feed off of the general fund. He said it would be difficult for them to go back and rework that for just a quarter. He said he did not know what the benefit of it would be. He said it was apparent that the budget was going to be reworked anyway and thought it would make more sense to do it once rather than twice.

Councilman McKay asked Kathryn her thoughts on doing a first quarter budget.

Law Director Kathryn Hapner said it was not as simple as dividing everything by three-fourths and just putting a fourth of each line on there. She said you also cannot just leave all the lines intact and say it is for the first quarter because theoretically you could spend all of the money in the first quarter and have nothing left for the rest of the year.

Councilman Jaehnig asked what we have to file with the county by March 31.

Law Director Hapner said we have to send our budget to the county and they have to look at it and approve it and make sure it all balances out and there are no deficits.

Mary Kay Vance said that the deadline for the City to file their certificate and budget with the county is on January 15.

Councilman McKay said that he had hoped they could sign some resolution just extending this year's budget for another month or so, but apparently that cannot be done. He said he felt that some people have very real concerns and he wanted to accommodate those concerns. He said he would like to have "yes" votes on the budget rather than what has happened in the past.

[TRANSCRIPTION INTERRUPTED – END OF TAPE]

Auditor David Hollingsworth said that legally, the city cannot certify more expenditures than the amount of money there is available to spend.

Councilman Jaehnig stated that he did not want to act rashly on budget decisions regarding cuts without allowing the new mayor and new council to have an opportunity to give input. He said he did not want to cut or slash the budget without the input of the new administration.

Councilman Stuckert said that they needed to create parameters that give the council the ability to have the political will to do what needs to be done next year. He said that there have been three annual budgets now that have been in deficit more than anyone wants. He said that he was told that in the past, the policy was to submit an annual budget on March 31 and thinks there are other places that do it. He would like the process to slow down so they can do the work that needs to be done. He said he would like to go into 2012 with all the tools in place so they can take a close look at the budget with the new mayor. Councilman Stuckert said if things continue the way we are, the city is going to end up with no carry-over funds, and then very drastic cuts will need to be made. He also said that there is no way that the city should be thinking about asking for more revenue from the taxpayers when we haven't really proven that we've done everything we possibly can to get the budget under control. He said that we should not appropriate 12 months' worth of expenditures right now if it can be avoided.

Councilman Mead said that he agreed with Councilman Stuckert. He said that over the past two years he had not seen any plan to balance the budget to their revenues. He said he had not seen anyone propose a way to accomplish that, which means nobody is going to try to do it. He said he thinks the budget needs to be balanced to the revenues and that it needs to be done now so that Wilmington can remain a viable and active city. He said that using the terms "cut" and "slash" are a scare-tactic. He said the people who have

created the current budget are the ones who would need to be involved in rearranging. He said it is like any family or any company...if you have a projected amount of money coming in, that's what you have to work within. He said that seeing as he has not seen a plan for balancing the budget, he would vote "no" for the present budget.

Law Director Hapner said that they did not have to have a reading tonight because they still had two meetings before the end of the year.

Councilman McKay said his goal this evening is to allow people to speak in a public forum and express their views. He said if there is a way to compromise in order to get everyone on the same page would be wonderful. He stated that he did not know what way that would be.

Mike Mandelstein, 1006 W. Locust Street, said that he was very concerned about the budget. He said that it sounded like on January 15 there was a compliance issue. He said that it was his opinion that the budget should be passed in its present form, get in compliance by January 15, and then figure out after the first of the year how they want to modify that budget. He said, in addition to worrying about shrinking the budget, the City needs to focus more on business development to bring in more revenue without further burdening the taxpayers of the city. He said the city needs to promote itself to businesses that might want to relocate here. He said the first thing that should happen is the budget be passed. Then, after the first of the year, everyone can get to work on making it better.

Councilman Wallace pointed out that in the current budget proposal, there was anticipated shortfall of 1.3 million dollars. He said last year they passed a budget that was going to be in deficit, but through working with the departments, the city was able to reduce the proposed deficit by \$800,000. He said he did not think there was anyone on council who wanted to go into the next year with a budget that spends more than it brings in. He said, though, if we can continue to work the directors and continue to try to save the money in the departments, he thinks it is going to be okay. He said that if we take a hard line and say that it has to match dollar to dollar down the line, then he has to tell friends that they need to go look for another job. He said he is not interested in doing that. He said he is more interested in getting a working document going and then track it quarter by quarter and continue to reduce spending while still trying to save people.

Councilman McKay asked if Councilman Wells had a comment.

Councilman Wells said if it was voted on that evening, his intention would be to vote "no." He said he understands what Councilman Wallace was saying but increased revenues means raising city income tax.

Councilman McKay asked Councilman Wells what would need to be done to get him to vote "yes."

Councilman Wells said they could change the budget before the end of the year or pass a temporary budget as was being discussed.

Paul Hunter suggested that they let the citizens into the equation. He said they should allow citizens to vote whether or not they want to pass a streets levy or another tax levy. He said it is a way to correct the revenue part of the equation. He said the citizens have both a right and a responsibility to decide whether they would approve a tax increase before severe cuts are made in services. He said a balanced approach is necessary. He said you can un-do a levy but you can't un-do a city going into fiscal emergency like Waynesville, where the state comes in and tells you what to do.

Mayor-Elect Randy Riley stated that he was not stressed-out by the budget at all. He said they were just numbers on paper. He stated that on January 1 they will start drilling down and looking at everything that is involved in the operation of the city to find places where the City can improve its processes and save money. He said that David and Mary Kay have said several times that we do not have a spending problem, we have a revenue problem. He said it is really both. He said that we need to look at economic development and to get some more jobs in the area. He said that we have one of the greatest economic

development engines in the Air Park and there were great people on the Port Authority working on bringing in new jobs. He said on January 1, he would start working on the budget. Mr. Riley said that the budget they have now is not the budget that they are going to end the year with. He said he has no problem if they start the year with that budget because he is not going to wait until December 2012 to start trying to balance it. He said that all of the council people and Brian will be working on it. He said that council should pass the budget if they want because it's not going to be the budget they end up with at the end of 2012.

Councilman McKay said that he started the discussion in the hopes everyone could express their views. He said that council has been criticized in the past for pushing things through. He said his proposal is to defer the first reading on the budget. He said he would like a finance committee meeting scheduled before the next council meeting so we can come up with a plan that everyone can embrace.

[Discussion of the process of deferring the reading]

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

Mike Mandelstein reiterated that he thought they should put a budget in place and start looking at additional revenue streams. He said that he thought going to the taxpayers was a bad idea. He said the Air Park is not the only thing Wilmington has to offer in terms of economic development. He suggested that there might be a large employer who used to be in the area who felt mistreated who might be willing to come back to Wilmington if they were approached correctly.

Paul Hunter said there is a whole team who is dedicated to economic development.

Councilman Jaehnig said there are a lot of successes going on. He said his outlook on 2012 is extremely positive. He said he believes there are going to opportunities announced in 2012 besides the JUMP hangar. He said that the council is very aware that the economic redevelopment of Clinton County does not solely lie at the Air Park. He said we were criticized in the past for being a one-trick pony and everyone is very committed to the fact that redevelopment will involve not just the Air Park, not just the City, but the entire county. He said that diversification is key.

Mike Mandelstein reiterated that the budget should be passed.

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 Street, said that he lives at the corner of S. Mulberry and Truesdell. He said there has been a box spring/mattress next to the street on Truesdell for three weeks now. He asked if there was something that could be done to get that moved. He said that he understood that the policy regarding picking up mattresses was changed because of the bed bug issue, but it was a disappointment that we did not have a procedure in place to deal with mattresses left at the curb. He added that he did not think that having garbage left at the curb was a good way to revitalize the city.

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 Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk

Wilmington City Council met on Thursday, December 15, 2011, at 7:30 p.m. with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the special meeting, November 17, as received.

Motion passed.

Special minutes approved as received.

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

Motion passed.

Minutes approved as received.

President Ertel announced that his portion was completed.

Mayor – Mayor David Raizk presented a plaque to President Fred Ertel. He said that in this moment he was proud and honored and a little sad. He told Fred that the plaque was in appreciation of his fine public service to the City of Wilmington, not just on City Council, but on other things he had been involved with, most notably the Port Authority and other activities. The inscription read:

*In Appreciation to
Fred Ertel
President of Council
For Dedicated and Loyal Service
To the Wilmington City Council
and the Citizens of Wilmington.
January 1, 2004 through December 31, 2011.*

The mayor congratulated Fred and said that he had done a great job.

[Applause]

Mayor Raizk said that the citizens owed Fred a great debt. He said that he had done many fine things for the community and would continue to do that.

Mayor Raizk announced that the next plaque he was presenting was a great deal tougher. He asked Councilmember Sandy Mongold to come to the front. He said that they had known each other a long time. Mayor Raizk said that it was an honor and a privilege to give her a plaque, with everything that she had done serving the Citizens of Wilmington since 1990. He said that her leadership with Safety and her leadership with Finance had helped steer the ship on a great course over the many years. He said it was with honor and privilege, but also with regret, that he gives her a plaque. The inscription read:

*In Appreciation to
Sandy Mongold,
Councilmember At Large,
Finance Committee Chair,
Asset, Acquisition and Use Chair,
President Pro-tem
For dedicated and professional service to
Wilmington City Council and the
Citizens of Wilmington.
10/18/1990 to 12/31/2011.*

Mayor David Raizk congratulated Councilwoman Mongold.

[Lengthy applause]

[Pictures were taken]

Mark McKay asked the mayor if he had any other report.

The mayor said he did not.

Councilman McKay asked Mayor Raizk to come and stand beside him. He said that he knew that the mayor had requested no plaque or no honorarium, etc. He said they certainly wished to honor his request, but he wanted to say a few words. He said that David Raizk had been in several positions in the city for around 30 years – Safety Director, President of Council, and then of course, Mayor from the year 2000. He said that during David Raizk’s tenure, there have been many changes in the city. He continued that several projects that had been completed under the mayor’s administration – Lowes Drive Connector, Davids Drive Connector, Wilmington Bypass, the Annexation of the Air Park, and the purchase of the former Textron property. Councilman McKay said that with the visionary help and drive of Laura Curliss, the administration had helped the city receive several grants and stimulus funds that had allowed the city to create the mural parking lot, clean up and remove facades and renovate facades in the downtown, and construct curb and gutter and sidewalks on all major arteries through the city. He said that when DHL left, the mayor was the first to realize that a task force needed to be created and has worked tirelessly and continuously on economic development efforts. He said there were many, many other things that the administration had been responsible for, and he said he was proud to have been working along his side during these efforts. Councilman McKay said he believed it had been said that the measure of a man when his work is done is that his peers simply say job well-done. He said not that the mayor is not necessarily done, but for this chapter in the mayor’s life, he would like to say, “Job well done, Mayor David Raizk.”

[Applause]

Mayor Raizk thanked Mark and everyone else. He said that he would make a speech, but there was a five-minute limit.

[Laughter]

Mayor Raizk said that it had been a labor of love for him. He said it had always been about the citizens for him and he hoped he had served them well. He said he hoped for the continued success of this council and the next mayor in continuing to do the same thing. He said the citizens are very important and sometimes we get lost – we have blinders on every once in a while. He said we get lost in the discussions and different points of view about what we should be doing or spending. He continued, “If you take nothing else, remember who it is for and put them at the top of your list – that’s the Citizens of Wilmington.” The mayor said if you put them first, you can never go wrong. He wished everyone much, much success and good luck.

[Applause]

President Ertel said it was time to start committee reports.

Assets Acquisition and Use: Chairperson Sandy Mongold said they had the second and third readings on a resolution authorizing the mayor to enter into a purchase and sale agreement for real property owned by Xidas Enterprises, Inc. (.316 acres more or less) and declaring an emergency.

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Enter in to a Purchase and Sale Agreement for Real Property Owned by Xidas Enterprises, Inc. (.316 Acres More or Less) and Declaring an Emergency.

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

Motion passed.

President of Council declared Res. No. 2267 passed as read.

Auditor – Auditor David Hollingsworth had no report.

Finance Committee – Chairperson Sandy Mongold introduced 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5004 passed as read.

Councilwoman Mongold introduced 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; Stuckert, 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; Stuckert, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5005 passed as read.

Councilwoman Mongold announced the second reading on an ordinance making appropriations for the fiscal year 2012.

A motion was made by Mongold and seconded by McKay to give the second reading only on the ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio During the Fiscal Year Ending December 31, 2012.

Mead, Wells and Stuckert voted nay. All other members voted yea.

Motion passed

Director of Law read ordinance by title only.

Councilwoman Mongold asked that the third reading be on the agenda for the December 29 special council meeting.

President Ertel asked if Councilwoman Mongold had anything else.

Councilwoman Mongold stated that she had something to say but was not sure if she was able.

President Ertel suggested she wait until the end of the meeting.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – Chairperson Wells had no report.

Solid Waste/Recycling Committee: Chairperson Don Wells had no report.

Wastewater/Sewer Committee: Chairperson Mark McKay introduced a resolution authorizing the deferral of the sewage system rate increase.

A motion was made by McKay and seconded by Wells to give the first reading only on a resolution Authorizing the Continued Deferral of the Sewage System Rate Increases Scheduled for January 1, 2009, and January 1, 2010, Respectively, for a Period of One Year, and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, 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 Wells to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2268 passed as read.

Judiciary Committee: Chairperson Rob Jaehnig had no report.

Safety Committee- Chairperson Rob Jaehnig had no report, but stated that he would like to pass his five minutes down to the honored Councilwoman.

[Laughter]

Downtown Revitalization Committee - Convener Mark McKay had no report.

Parks and Recreation Committee - Convener Bob Mead had no report.

Service Director- Service Director Larry Reinsmith had no report.

Safety Director – Mayor Raizk had no report.

Reports:

A motion was made by Jaehnig and seconded by Mead to approve the Auditor-Treasurer – November 2011, as received.

Motion passed.

Reports accepted as received.

President Ertel announced the special council meeting on Thursday, December 29, at 7:30 a.m. He said at that time they would be finishing up all of the end-of-year financial business and having the final vote on the budget.

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

Paul Hunter stated that he had no report.

Jonathan McKay: 371 High Street. He stated that he was born in 1986 and he had never known the city without David Raizk in it. He said he was four years old when Councilwoman Mongold started. He thanked them for his service to the city. He said that they had sat through both the best of times during his lifetime and the worst of times. He said that they had handled themselves wonderfully. Mr. McKay said he respected the mayor for what he went through when he was in Germany during the DHL announcement. He complimented Sandy on how she had handled finance during the difficult budget times. He said that Fred Ertel had just banged the gavel one too many times. He thanked them all for their service to the City of Wilmington.

[Applause]

Councilwoman Mongold said that her daughter was there this evening and that she had been there for the first meeting and now the last. She remembered that the first meeting was in the old City Building. Councilwoman Mongold asked her daughter to read what she had written as she was having difficulty speaking.

Krista Weida, Councilwoman Mongold's daughter, stated that her mother had been an inspiration to her, being a woman on Council for 22 years. She said she had always looked up to her and wished her luck in the new chapter of her life. She read the following letter on behalf of her mother:

I'm proud to be a resident of Wilmington, Ohio, and I am even more proud to be able serve the residents for over 22 years. I have seen many changes, good and bad, but our community always sticks together and comes out stronger. I have enjoyed working with many people over the years. I encourage the council members to dig in and learn how the City and finances operate. It can be complex and you cannot rely on others to give you the answers and knowledge. I wish you all the very best.

Christa apologized for not being able to read the writing.

[Applause]

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

President Ertel said that he had a few words. He said he would like to thank everyone. He said it had been a pleasure to serve the citizens of Wilmington. He said that eight years ago he came in with one thought – to give back to the community. He said he did not come in with any preconceived political ideas, and he did not come in with any notion of how important the job was. He said that he found out it was quite important. He said he truly enjoyed serving the citizens of Wilmington. He said he would also like to thank all of the department managers for all of their hard work in the past in the trying times. President Ertel said that last year they came in 1.2 under the proposed budget through the hard work of the department heads. He said that this year we are coming in about 900,000 below the budget. He said it was excellent work on their part. In general, he said, he felt he was leaving the city as good as he found it. The people that he truly enjoyed working on council with included – infamous David Hockaday, Nick Babb, Cindy Peterson, Leilani Popp, Mark McKay, Sandy, Mike Wallace and Rob Jaehnig. President Ertel said he wanted to thank Laura Curliss. He said Laura had been a wonderful person in working at the City. He said that her with her energy, innovation, knowledge, follow-through, drive – you name it – she kept them on track a lot. The final thing, he thanked Mayor David Raizk. He said it had been a pleasure to be with David. President Ertel said he got a call one Saturday morning saying that he had to get up there because the Lt. Governor was coming to town. He said that one of the highlights of city life was sitting in that meeting and setting the stage for the redevelopment committee, which grew into a driving force of Wilmington's recovery from the devastating news that DHL handed them. He said without David's help (he can guarantee you because he was in the meetings), we would not be sitting here with an Air Park given back to the Clinton County Port Authority. He thanked David for his help in that. He said that he knows that the citizens do not always know all of the things that we go through, all of

the tests, but wives and husbands do. He thanked all of the spouses for their support to the council people. He also thanked Law Director Kathryn Hapner for her help.

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 in special session on Thursday, December 29, 2011, at 7:30 a.m. with President Fred Ertel presiding.

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

Chief Detective Josh Riley was also present.

President Ertel announced that they would move directly into committee reports.

Finance Committee – Chairperson Sandy Mongold introduced 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

President Ertel read ordinance by title only.

Councilman Jaehnig asked what department the transfers were for.

Mary Kay Vance said that the first one was for the Fire Department, Emergency Ambulance, and the second one was recreation.

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

Motion passed.

President of Council declared Ord. No. 5006 passed as read.

Councilwoman Mongold introduced an ordinance making 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

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

Motion passed.

President of Council declared Ord. No. 5007 passed as read.

Councilwoman Mongold said that she noticed that the budget ordinance had been amended.

Mary Kay Vance said the only change was an account number – an eight was changed to a nine.

A motion was made by Mongold and seconded by McKay to amend the ordinance making appropriations for fiscal year ending December 31, 2012.

Motion passed.

Ordinance was amended.

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, 2012, as amended.

President Ertel requested a roll call.

Roll call: Jaehnig, yes; Wells, no; Stuckert, no; Wallace, yes; Mead, no; Mongold, yes; McKay, yes.

President Ertel read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, no; Stuckert, no; Wallace, yes; Mead, no; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5008 passed as read.

[At this point a discussion occurred regarding whether the proper motions had been made and the above motions were repeated]

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

Councilman Wells said he would like to thank the people that pick up the trash because they are doing a good job.

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.

President Ertel thanked everyone and said it had been a wonderful eight years and it was a pleasure serving the citizens of Wilmington.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk