

Wilmington City Council met in regular session on Thursday, August 21, 2008, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, August 21 meeting of Wilmington City Council to order, please. Roll call.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Popp, 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 Mongold to approve the minutes of the council meeting of July 17, as received.

Motion passed.

Minutes approved as received.

A motion was made by Popp and seconded by Peterson to approve the minutes of the special council meeting of July 31, as received.

Motion passed.

Minutes approved as received.

A motion was made by Jaehnig and seconded by Wallace to approve the minutes of the regular council meeting of August 7, as received.

Motion passed.

Minutes approved as received.

President Ertel said the next item was a third reading on an ordinance amending Chapters 1131 and 1133 of the Wilmington Codified Ordinances.

A motion was made by McKay and seconded by Peterson to give the third reading only on Ordinance Amending Chapters 1131 and 1133 of the Wilmington Codified Ordinances.

Motion passed.

Director of Law read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4778 passed as read.

President Ertel: The next order of business is a third reading on an ordinance amending Chapters 1139.06-07 (Board of Zoning Appeals) of the Wilmington Codified Ordinances.

A motion was made by Peterson and seconded by McKay to give the third reading only on the ordinance Amending Chapters 1139.06-07 (Board of Zoning Appeals) of the Wilmington Codified Ordinances.

Motion passed.

Director of Law read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4779 passed as read.

President Ertel: The next ordinance is regarding the ordinance adding Chapter 1160 to the Codified Ordinances of the City of Wilmington creating the H-1 Zone (A/K/A the Wilmington Commercial Historic District).

Council member Wells – Mr. President, may I ask a question?

President Ertel: Certainly.

Council member Wells – Have the people who own property in this next zone, have they been notified of this?

Council Clerk Curliss: We do not have to give particular notification, individual, like the rezoning of a property.

Council member Wells – I did come across someone who did not know anything about it, it hadn't been in the newspaper, and I just thought . . .

President Ertel: Was that person for or against?

Council member Wells – I do not know; they were just unaware.

Mayor Raizk – It also had at least three hearings before Planning Commission that were publicized and you were there. We did do that at that point.

A motion was made by Peterson and seconded by McKay to give the third reading only on the ordinance Adding Chapter 1160 to the Codified Ordinances of the City of Wilmington Creating the H-1 Zone (A/K/A the Wilmington Commercial Historic District).

Motion passed.

Director of Law read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4780 passed as read.

Council member Peterson – I would just like to make a comment about this legislation. This started several years ago and a lot of work was done. I think the Design Review Board, the genesis was there, and I know we finally gave the third reading and passed it, but it was anti-climatic because all of the work went into this a year or two ago so I just wanted to thank the Design Review Board for seeing this through.

President Ertel: Okay. Thank you.

President Ertel: The next item of business is a third reading on an ordinance adding Chapter 1169 to the Codified Ordinances of the City of Wilmington creating the Stream and Riparian Overlay Zone.

A motion was made by McKay and seconded by Popp to give the third reading only on the ordinance Adding Chapter 1169 to the Codified Ordinances of the City of Wilmington Creating the Stream and Riparian Overlay Zone.

Motion passed.

Director of Law read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4781 passed as read.

President Ertel: The next ordinance is the third reading on the ordinance Amending Chapter 1302 Administration and Enforcement for Commercial Historic District; Design Review Board; repealing Ordinances 2240, 2364, 2390, 3444, and Resolutions 666, 687, and ordinances or parts of ordinances inconsistent herewith.

A motion was made by McKay and seconded by Popp to give the third reading only on the ordinance Amending Chapter 1302 Administration and Enforcement for Commercial Historic District; Design Review Board; Repealing Ordinances 2240, 2364, 2390, 3444, and Resolutions 666, 687, and Ordinances or Parts of Ordinances Inconsistent Herewith.

Motion passed.

Director of Law read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4782 passed as read.

President Ertel – The final one is a first reading on an ordinance to approve the dedication plat of Buckeye Hills Subdivision.

Council member Wallace – I'm sure people have done this. It seems like whenever we bring in a plat or we have subdivisions come in sometimes people that develop some of these plats cut corners on roadways or right-of-ways or things like that and, all of a sudden, we are the bearer of bad news in about ten years and costs the city money to repair. I assume that we are taking a good look at this and everything is acceptable.

Mayor Raizk – Yes. And this is the dedication plat; the final plat has been approved and it has been inspected.

Council member Wallace – I just want to make sure that it is what we want.

Service Director Larry Reinsmith – All I can tell you is that it was inspected per the city's standards. You go out ten years and many things wear out in ten years; usually it's not undergrounds. It's usually the pavement that goes. But sewer and water use plastic pipe and are usually in pretty good shape. And for anybody that doesn't know, that's actually an extension of Peggy Lane coming out of McDermott Village to Nelson Road.

President Ertel: Very good. Does that answer your question, Mike?

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Accepting the Plat of Buckeye Hills Subdivision.

Motion passed.

Director of Law read the ordinance by title only.

President Ertel asked for second and third readings at the next meeting if no issues exist.

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

Mayor Raizk - Given the length of the agenda, Mr. President, I have no report.

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee. Sandy?

Council member Mongold – You passed up Asset, Acquisition & Use.

Clerk Laura Curliss – Sorry, we've got them mixed up on the agenda.

Finance Committee – Sandy Mongold – The first item, I would ask for a motion. I'm not making the motion to suspend the rules and regulations and give the second and third reading on the ordinance making supplemental appropriations.

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

Director of Law read ordinance by title only

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

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

Motion passed.

President of Council declared Ord. No. 4783 passed as read.

Council member Mongold – The second item tonight is an ordinance Making Supplemental Appropriations and we have one item, from the General Fund to Civil Service Incidentals.

Council member Peterson – What are Civil Service Incidentals?

Council member Mongold – That is where all of the civil service testing that have to do.

Council member Peterson – That answers my second question of why is it an emergency. Thank you.

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 Popp to suspend the rules and give the second and third reading on the ordinance by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4784 passed as read.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4785 passed as read.

Council member Mongold stated they would schedule a Finance Committee soon, but the date had not yet been determined.

President Ertel: Water Committee?

Chair Wallace – Yes, we have someone who lives just at the edge of our district just behind the Clinton Swim Club; it's a 1" tap on an existing 8" city water main.

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

Motion passed.

Director of Law read resolution by title only.

Council member Wells – Mr. President, while we're in the Water Committee I would like to ask a question and make an observation.

President Ertel – The only thing is we're in the middle of this vote. Does it have something to do with this?

Council member Wells – Oh, you're going to have three readings?

President Ertel – Yes.

Council member Wells – Okay. Excuse me.

President Ertel – And then you can certainly bring up your point.

Council member Wells – Okay.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2097 passed as read.

Council member Wells – I attended the dedication of the Homeless Shelter Annex on Gallup Street and during that time – the Mayor was there – the Fire Department was filling up some equipment there and there is a fire hydrant at the intersection of Sugartree and Gallup at the top of the hill and the water pressure right there was sort of inadequate and I'm concerned about our ability to fight a fire with that fire hydrant. I know that the fire department checks these periodically. Do we have some reports? I was hoping that Nick would be here tonight, but do we have some reports or something to see if we are adequate or if we need to do something? If we're going to change parking with our Street Committee and where that hydrant is located I think somebody should take a look at that fire hydrant.

Mayor Raizk – We'll take a look at it tomorrow and check it out. What the fire department does with the hydrants is they flush them; they back flush them to make sure that they are operational and they do have some tests on them, but I think we really need to get Jerry to look at it for water pressure.

Service Director Larry Reinsmith – This goes back a long ways on that fire hydrant. I think it is fed by a 4" line.

Mayor Raizk – Yes, I think it has a small line. We may need to upgrade that line service there.

Council member Wells – I'm just kind of concerned with so many people in that area. For safety, I think you need to take a look at it.

Service Director Larry Reinsmith – I know most everyone at the fire department is well aware and they would never use that fire hydrant for firefighting capability.

Council member Wells – It's sort of in an awkward place, too, as far as parking.

Service Director Larry Reinsmith – I think it went all the way back to when Nick's Dad was on the fire department. That's how long ago.

Council member Jaehnig – Do they have other options in that area?

Mayor Raizk – They do have other options; they go down on Main Street to a big line and bring their hose up from there, but we'll check it out, Don. We may need to bypass that and relocate another one.

Council member Wells – Thanks a lot; I appreciate it.

President Ertel: Streets Committee?

Street Committee – Chairperson Peterson: We have two items; The first item is the second reading on the ordinance amending the traffic control map on Gallup Street

A motion was made by Peterson and seconded by Wallace to give the second reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File (Gallup Street.)

Motion passed.

The Law Director read ordinance by title only.

Council member Peterson: The second item is a third reading on an ordinance amending the traffic control map and the traffic control file on Mulberry Street.

A motion was made by Peterson and seconded by Wallace to give the third reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File (Mulberry Street.)

Motion passed.

Director of Law read the ordinance by title only.

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

Motion passed.

President of Council declared Ordinance No. 4786 passed as read.

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

Solid Waste/Recycling Committee: Mr. President, I have nothing on the agenda. However, I spoke with Donnie Maher today and he created a report for us. I think everyone has a copy. You can see that our percentage is up, but we need more participation. We need to increase this. We need to save our landfill so look that over.

Service Director Larry Reinsmith – Our numbers could be better. I was listening on the police radio today and some woman had called dispatch and said there was a blue minivan going down Bernice Street stealing all of the recycling bags.

Council member Wells – That is true because my daughter had a recycling bag out and someone just stopped and took it.

Service Director Larry Reinsmith – Yes, so everybody is helping us with the recycling. And you know we have a truck that goes around in the morning that picks up metal and there is hardly any metal out there anymore to pick up. People are out all night long picking up all the metal that might be laid out at the curb.

Council member McKay – So it is ultimately being recycled?

Service Director Larry Reinsmith – Yeah.

Mayor Raizk – I think it is a sign of the economic times; the metal thing is getting to be a little bit out of hand. We had a home that was slated for demolition that we had been working on and one day I went by and I wondered if they had started on that house already because I didn't think all of the paperwork was done and it was a house with aluminum siding and they stole the aluminum siding and you could tell that it was not the past owner because they just took off what they could get easily. They grabbed it and ran and took it to wherever they could get some money for it. So it is a problem. Don, I did want to tell you that these numbers are great and they are getting better and we need to keep improving them as you say. I did talk to the county administrator about some dollars and he is going to work with us on that. By using Waste Management, we've eliminated some of the Hull costs because they are doing it for nothing right now and also for some more advertising. We need some money to get some things in there. It's been working real well, but I think we just need to go back and revisit what we do

take as recyclables I think would be interesting to have an article about that and with pictures. We find that some folks are putting things in there that we can't . . . I mean they are doing their best . . . they're doing the right thing, but they may be putting in some things they shouldn't be and so forth and it would be good to get more info out.

Scott Kirchner (from the audience) - On the issue of the bags disappearing I would offer a thought, concern, that while the metal might be being recycled out of those bags, the rest of it may be ending up in the landfill and perhaps we should consider some selective enforcement if we're seeing issues where people are taking those bags from the curbside. I know when we did the legislation, we specifically accounted for that concern.

Law Director Kathryn Hapner – Scott, we don't participate in selective enforcement.

Scott Kirchner – I don't know. We've parked cruisers in certain areas to slow people down before. At certain stop signs. I think we could watch certain routes when people put out their recyclables.

Mayor Raizk – Concentrated enforcement.

Scott Kirchner – Perhaps the routes that have a lower percentage of people participating. I would be concerned that anything not valued easily at, say, Wilmington Iron & Metal, might end up in a landfill as opposed to recycling, as it should be.

President Ertel - Wilmington Iron & Metal? Wait a minute.

(There was some joking around.)

Council member Jaehnig – I think Scott has a very good point though about where the rest of that may be ending up.

President Ertel – Oh, there is no question about it.

Council member Jaehnig - The city supplying bags to the citizens free of charge and all of a sudden the bags and everything but the metal is ending up back in the landfill. It's actually making our situation worse instead of better despite our citizens' efforts to try to improve the situation. I understand that these are hard times for many people and I don't see it ending in the near future and it's a real concern.

Scott Kirchner – I don't think it would take too many headlines of someone being nabbed for picking that up for people to realize that the city is watching.

Council member Wells – It's our landfill; it belongs to the citizens and the taxpayers. We're all in this together and we need to save it so we all need to keep our eyes open and help solve this problem. Thank you.

President Ertel – Just a side comment to that. I saw the blue van today and you know where I work. And there was also police officers there interviewing the . . .

Larry Reinsmith – Two white males?

President Ertel - There was an interview going on at that point in time. At the gut level the word is out. Please don't put it in the paper, (laughter) but anyway we find that at that level news passes pretty quickly because they usually don't read the newspaper. Anyway, yes, those persons were talked to today.

Council member Wells – Okay. Very good; that's great.

Wastewater/Sewer Committee? Committee Chair McKay – No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Committee Chair Mark McKay: We do have several items this evening. a couple of things tonight. The first item is the second reading on the ordinance establishing ward boundaries due to the annexation of the airport. There was a request to work on the wording on that ordinance and that is being accomplished, but it was not available for tonight's reading. It will be available for the final reading. That was the question that you had, Geoff, and others agree with you that it should be done with descriptive phrases rather than just the map.

A motion was made by McKay and seconded by Popp to give the second reading only on the ordinance Establishing Ward Boundaries in the City of Wilmington and Repealing all Ordinances in Conflict Herewith.

Motion passed.

The Law Director read ordinance by title only.

Council member McKay said he would anticipate the third reading at the next meeting.

Committee Chair McKay: The second item is we need second and third readings on the Workers' Compensation pool and declare an emergency.

A motion was made by McKay and seconded by Popp to suspend the rules and give the second and third reading on the resolution Authorizing Participation in a Workers' Compensation Pool and Declaring an Emergency, as Amended.

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

Director of Law read ordinance by title only

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

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

Motion passed.

President of Council declared Res. No. 2098 passed as read.

Committee Chair McKay: The third item is a second reading on the salary classification ordinance.

Council member Wells – Mark, I have a question about this. We've got two changes on the same ordinance and one is a reclassification and one is a completely new job title and if you want to vote for one and not vote for the other, they are both on the same ordinance and it's kind of a tough situation. We've got two changes on one ordinance without being able to discuss each one separately.

Committee Chair McKay – Of course, it was presented in committee that way and there was no concern at that point, but you bring it up now after we've already had one reading.

Council member Wells – Right, but this has just come to my attention. I have to vote on this sooner or later and it makes it an awkward situation. You have two different things. One is a simple change and the other is more complex and you have to vote for both changes and so I just wondered if anybody else was concerned about that.

Council member Peterson – Can't we vote it up or down as it is and then if we need to split it, go back to committee?

Committee Chair McKay - Sure, I guess that would be the proper way to do it.

President Ertel - Yes. If you feel that there are some issues, I would suggest voting no for it.

Council member Peterson – Actually, Don, you answered one of my questions. It's been so long since we had this committee. We were increasing a range on the preventive maintenance and this is a total new job description on the code enforcement.

Committee Chair McKay – No, it's adding that title to the Code Enforcement. It's Code Enforcement – slash – Engineer. Engineer was not part of the title.

Council member Peterson – But we’re not keeping a Code Enforcement Official on the Position Classification.

Committee Chair McKay – I think that that position will remain available.

Council member Jaehnig – Well, it’s not showing on here. Maybe this is a misunderstanding, but I thought this was a list of everything and it just showed the changes on the things that were going to be affected and by reviewing this, by the way I’m reading it, it’s eliminating one and replacing it with a different and I thought in committee that one was going to remain and another one was going to be added.

Clerk of Council Curliss – The deletions are struck through and additions are in bold so you are adding the word “Engineer” to that Code Enforcement Official title.

Council member Peterson – But we’re not keeping a separate Code Enforcement Official.

Clerk of Council Curliss – No.

Council member Jaehnig – But that’s not what was discussed in committee, was it?

Council member Peterson – I think it was.

Council member Jaehnig – But in committee, wasn’t it discussed that the original was going to remain, but an additional one with the engineer on the end was going to be added. That way if in the future, we were unable to find someone to fill that position with the degree or we decided we did not need that degree that we could go back to the original version.

Paul Hunter – The mayor so stated that in committee; it was going to stay unfilled.

Council member Peterson – I think we need to check the notes because the way I remember it the way it is written in this legislation is the way we agreed to it in committee. But I could stand corrected on that. I like the legislation the way it is.

Committee Chair McKay – We could take two courses of action. We could postpone the reading until we have these items clarified and bring the reading up the next meeting or we could vote on it.

President Ertel – You could amend it right now.

Chairperson McKay – Why would we want to amend it?

Council member Peterson – I would rather not.

Council member Wells – Can I ask another question before we vote on anything? I would like to know approximately if we do engineering, how much money will it save us from our current contract and will our code enforcement suffer if Mr. Blankenship is doing engineering work. Is there enough work for two jobs? I’m concerned about the percentages of what is being done.

Council member Peterson – Actually we talked about that in committee.

(Unable to determine speaker): Weren’t you at that meeting, Don?

Council member Wells – Yes, but Paul Hunter brought up these questions and I don’t think we got any answers.

Service Director Larry Reinsmith – I would just like to respond to a couple of those comments he made. I don’t know where he got his numbers or what planet he’s from, but you’re changing that job title from a 20 to a 22 and Mr. Hunter kicked out numbers

like \$96,000 for that job classification and that's wrong. Mr. Blankenship makes \$59,000 a year and once he gets the raise, he'll be making \$62,000 a year. It tops out in that same range at \$79,000 and that's 15 years from now.

Paul Hunter – Plus 20%.

Service Director Larry Reinsmith – No! There's no 20% anywhere.

Paul Hunter – There is too – fringe benefits. That's the cost to the budget.

Service Director Larry Reinsmith – Everybody's got that, Paul. That's a common thread for everybody. His fringe benefits aren't going up anymore because he's doing a little extra duty.

Paul Hunter – You're challenging my figures. My figures are what they say they are.

Service Director Larry Reinsmith – They're false. They are totally wrong.

Paul Hunter – It doesn't top out at \$97,000 including fringe benefits?

Service Director Larry Reinsmith: No! No!

Paul Hunter – It does. A 120% of his top salary comes up to whatever I said it was; I don't have the numbers in front of me.

Service Director Larry Reinsmith – Well, you can't do that.

Paul Hunter - Why not. That's what it is going to be costing the public.

Service Director Larry Reinsmith – They're not voting on benefits; they're voting on a pay plan.

Paul Hunter – What?

Service Director Larry Reinsmith – They're voting on a pay plan.

Paul Hunter – I'm not saying that; that's a different thing.

Service Director Larry Reinsmith – I know it so why are you bringing up benefits.

Paul Hunter - It's the cost to the taxpayers and a cost to the budget. That's a (couldn't understand word) that you brought up; I didn't. I was just sitting here.

Council member Peterson – I just want to make a comment. We discussed this in the committee meeting and, as I shared at the last council meeting, I was concerned because I am a huge fan of code enforcement and I felt very comfortable with the plan that was put forward because we're doing some job restructuring within that department because I don't want that to lose any focus. I like the fact that we can move some of that engineering back within the city and not outsource it. I like the legislation the way it is, but we're just adding to that position and not creating a new position.

President Ertel – Just a suggestion, if we find in the future that the engineer title presents a problem for us we can always either drop it off or add it at a level 20.

Council member Peterson – I would rather not create a new position.

Mayor Raizk – One of the things that you have is that, if you remember, we went through a whole bunch of cleaning up where we came up with the position, we changed the position and the old position was still on there, but unfilled. So we ended up with a position ordinance that was very ????? because we said, "Who's this?" "What person holds that job?" Well, there were 12 or 15 job positions on there that we no longer used so by doing the upgrade and doing it this way, if you change from this, then you're going

to deal with that position, you're not going to say, wait a minute, I've got a Code Enforcement here, I'll give it to that person. It'll force you to re-evaluate and say, well, if we need a full-time engineer and we need a full-time code enforcement official, let's break these two and establish two different ranges. This way, I think, is much cleaner.

Council member Peterson – Frankly, I like this better, Don, because we have to come back to council if we're going to change it. Because I am so enamored with the code enforcement portion of this . . .

Council member Wells – But how much code enforcement are we going to lose?

Mayor Raizk – I don't think you're going to lose any.

Council member Popp – Cindy, what you refer to, there was also in that committee meeting there were two different times when we outsourced engineering projects and I think they amounted to \$30,000 where having Mr. Blankenship do them in-house saves us \$30,000.

Council member Jaehnig – If I remember correctly, in that same meeting, there weren't that many engineering projects that were popping up, but even with the three or four or five a year that would pop up, we could save a substantial amount of money.

Service Director Larry Reinsmith – Just as an example and not in his job description, several different times I know, Laura has gone over and she needs a legal description written on a piece of property for different functions and as an engineer he writes that legal description. If you take it to another engineer, they're going to charge you \$2,000 or \$3,000.

Council member Peterson – Another thing from that committee meeting, my understanding is a lot of the clerical duties that he was doing will be handled within the office and that will free him up to do more code enforcement work. He was doing a lot of clerical work, mailing notices so those are now handled within the department and not by him so he is offloading some of those responsibilities.

Scott Kirchner - Was there an additional position created for that?

Chairperson McKay – It was a change of position; it was a lower grade position; it was re-evaluated.

Service Director Larry Reinsmith – It was a change of personnel.

Scott Kirchner - So we upgraded another position to remove some of those responsibilities so we can upgrade this position?

Mayor Raizk and Council member Peterson both responded with “No, we downgraded that position.”

Mayor Raizk – The person who was filling that position – Neva – retired – she was a Range 10 and the person taking that position now is a Range 6.

Scott Kirchner - So he was filling in between Neva's departure . . .?

Mayor Raizk – No, it just really amounts to a significant upgrade in job performance from the support person.

Scott Kirchner - So we get it at a lower level? So they do a lot more and the pay is a lot lower?

Mayor Raizk – Well, they're doing their job.

Scott Kirchner – We have trouble finding that (couldn't understand a few words).

Mayor Raizk – They’re doing their job, Scott, and have a good skill set for that. But we wanted to do that because certain things we were having problems with that person making decisions that really were not in the realm of a support person and it ended up creating more problems for their superiors.

Committee Chair McKay – If I can, these are all very good questions, but if there is no other discussion, I think I would like to go ahead with the vote.

A motion was made by McKay and seconded by Peterson to give the second reading only on Amending Ordinance No, 4761 Establishing Classification and Salary Ranges for Certain City Employees, Repealing Ordinances and Parts of Ordinances in Conflict Herewith.

All council members voted yes except Wells who voted nay. Motion passed.

The Law Director read ordinance by title only.

Council member Wells – I would like to make a little statement. I voted “nay” because I still feel that this should be separated.

Committee Chair McKay – And we appreciate your feelings.

President Ertel – Certainly and it will be on the record as such.

Committee Chair McKay asked that the ordinance be on the agenda for a 3rd reading at the next council meeting.

Committee Chair McKay – Our next business is the ordinance authorizing the sale of personal property at auction. This is something we do every year.

It was asked what date had been set for the auction with the reply that it was September 27th.

A motion was made by McKay and seconded by Popp to give the first reading only on the ordinance Authorizing the Sale of Certain Personal Property Not Needed for Municipal Purposes.

Motion passed.

Director of Law read ordinance 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 ordinance by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4787 passed as read.

Committee Chair McKay said there would be a Judiciary Committee meeting the next Thursday at 5:30 p.m. for 2 or 3 agenda items. We will put on the agenda the beginning of discussion for council receiving proper notice of meeting changes. This was something that was discussed at our informal meeting after our meeting of the 31st and Judiciary was to look at that so we will put that on the agenda and anyone who wants to respond to that can do so at that time.

Safety Committee – Committee Chair Don Wells introduced the resolution accepting a gift from T. Elliott Enterprises of a donation of \$420 to the Wilmington Police Department for the purchase of bicycle accessories for the bike patrol officers.

There were some questions and Asst. Chief Weyand responded that it would outfit the bikes with headlights, taillights and other accessories (there was some humor here, but words were not clear for transcription.)

Council member Jaehnig – T. Elliott Enterprises is who?

Asst. Chief Duane Weyand – Mark Elliott who has The Escape.

Committee Chair Wells – The same gentleman that donated a bike before.

A motion was made by Wells and seconded by Peterson to give the first reading only on a resolution Accepting a Gift (\$420 for bicycle accessories)

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2099 passed as read.

Committee Chair Wells - I would like to thank this gentleman for his generous donations to the bike patrol; it is greatly appreciated.

President Ertel: Downtown Revitalization Committee?

Downtown Revitalization Committee – Convener Sandy Mongold – I just want to remind everybody that August 29 is the next concert in the Mural Lot, the Buffet. The food and beverage starts at 5 o'clock and the band starts at 7 and goes to 10. There will be hamburgers, hotdogs, etc.

(The tape had to be turned at this point.)

President Ertel: Very good. Thank you. Parks and Recreation.

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

Service Director- Larry Reinsmith – Just a couple of items. Our southern loop project, we've made the run from the tower over and we tapped into the main at Southern State today so we've got that loop tied in already and now the only remaining part is that 2000 feet of upsizing pipe on Davids Drive there by Olinger. So we're about 80% done with that project.

Our sewer project on Darbyshire, we've got all the main in, all the laterals are tied in, we're into the restoration part of it right now and we should be repaving that street next week. That project went really well.

The cemetery sewer line I think bids towards the end of next week and our tennis courts, I guess they decided to put another layer of finish on that court. They said it would be so smooth, you could ice skate on it type thing. But that pushes that completion date until about September 20th. And I think Scott told me today that your last tennis match is September 17th. Timing is everything so it will give it plenty of time to cure out. But I think it is going to turn out really nice.

Council member Wallace – Yes, it is going to be really great. They're doing some landscaping today; it's starting to look like a real project now; it's going to be beautiful.

Larry Reinsmith – We had all of that rain that really slowed that project down, but we added plenty of storm drainage around that court.

Council member Wallace - I really appreciate Dave Allen because he is out there a lot. He has really held them to task. You always have some minimums that you can meet

and get by with, but he has made them do closer to maximum and I think he has done a great job for the city.

Larry Reinsmith – I think it will last a long time for us. That’s all I have.

President Ertel: Thank you. Safety Director? Nick is out of town

Reports:

A motion was made by Wells and seconded by Peterson to accept the Auditor-Treasurer’s Report for June 2008, Income Tax Receipt Summary for July 2008, Treasurer’s Statement of Interest Earned for First Six Months 2008 and the Auditor-Treasurer’s Report for July 2008.

Motion passed.

Reports accepted as presented.

President Ertel – At this point we would like to open the meeting up to any members of the general public or council to address council while in session. If you would please come to the podium and state your name and address for the record.

Scott Kirchner, 261 S. Mulberry St. – Just a little clarification as we go back in the history of the city. At some point wasn’t the Service Director also a professional engineer and could have done these engineering items?

Mayor Raizk – He was. He didn’t do that necessarily.

Scott Kirchner – We didn’t have that as a requirement for that position at one point?

Mayor Raizk – No.

Scott Kirchner - We didn’t split apart any duties at that point? We just happened to have a professional engineer in that position?

Mayor Raizk – Not to my knowledge that I remember in my time.

Scott Kirchner – O.K. I thought at one point the service director was required to be a professional engineer.

Mayor Raizk – Bob Holmes was a professional engineer; he was not a civil engineer. I think he was a mechanical engineer wasn’t he? So his certification wasn’t in civil engineering at all and you know how long he was service director was quite a lot of time. I’m trying to think of service directors before him that did not have any classification necessarily at that.

Scott Kirchner – Okay. I didn’t know if perhaps . . .

Mayor Raizk – It wasn’t part of the job description that I know of, Scott. And while he had an engineering background that made it good to oversee things and have a good knowledge of what he was looking at, he was not a certified civil engineer; he was a mechanical engineer. And he was not a surveyor either.

Scott Kirchner – Okay. My main point for coming up today was I attended the July 17 meeting and specifically intended to ask after having seen in the paper that we have advertised that the governor was returning to our city, to ask if there were any city funds used to advertise his appearance at a fund raising event that evening – whether any stationery, postage, any costs at all were borne by the taxpayers after having seen that occur in February. And at the 17th meeting I asked that question, but no one was aware of what the answer to that question was so I wanted to come and ask this evening.

Mayor Raizk – The answer to that question is, “No.”

Scott Kirchner – Okay. No funds from the taxpayers were used?

Mayor Raizk – No. Not a stamp, not anything.

Scott Kirchner – Okay. I think that is all I had this evening. Thanks.

President Ertel – Okay. Thanks, Scott. Any other persons wish to address council while in session?

Council member McKay – Mr. President, I attended the joint meeting of our statehouse committees this week and I just want to say on a very strong note that our mayor gave testimony and I was very, very proud of the way he represented our situation and our city. He really, really did well and I just want to say what a great job he did. Martin Godley who is in our audience also from the ASTAR pilots spoke and also did a very stellar job.

Martin Godley – Compared to the mayor I was a poor second.

Council member McKay – And I think the mayor spoke without notes, but he told the story well and the committees reacted.

Mayor Raizk – Thank you.

President Ertel - Very good. Any other comments or questions? (Seeing none.) Do I have a motion?

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk