

Wilmington City Council met in regular session on Thursday, September 4, 2008, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, September 4, 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 Jaehnig and seconded by Popp to approve the minutes of the council meeting of August 21, as received.

Motion passed.

Minutes approved as received.

President Ertel: Set a Public Hearing for the CY 2009 ODOT Operating and Capital Assistance Grant for Public Transportation Services. It will be 7:30 P.M October 2, 2008 in council chambers.

A motion was made by Mongold and seconded by Jaehnig to give the second reading only on an Ordinance Accepting the Plat of Buckeye Hills Subdivision.

Motion passed.

Director of Law read the ordinance by title only.

President Ertel requested that the third reading be on the agenda for the next meeting.

Mayor Raizk: Thank you Mr. President. I don't have a lot this evening but I do want to announce that we will having, I think most of you will get, but I would like to announce it to the public, our traditional September 11th, at 7:30 am ceremony. Last year we really had a good turn out, the Legion has now joined us in that, and we are hoping they will do so again. We will have a nice brief ceremony at 7:30 am and invite everybody to come, if you can make it. Anyone in the community is welcome to come; it is not just for city employees. The County Commissioners, county employees and everybody has been joining us from there. We should have a nice ceremony.

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

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

Finance Committee – Committee Chair Sandy Mongold: We have several this evening; the first item is an ordinance Establishing A New Fund. It is from the Economic Development Fund.

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

Motion passed.

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; 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. 4788 passed as read.

Chairperson Mongold - The second item on the agenda is Making Supplemental Appropriations. Are there any questions?

Councilmember Peterson: Can you just shed some light on Item E?

Chairperson Mongold: Would you like to explain that, Mr. Mayor? That is the item for the Economic Development Fund to Business Development Expenses. I can explain it, but I thought perhaps you would like to expound on it.

Mayor Raizk: We have been carrying in our books this amount of money from a long time ago; it goes back to our original water line project from Caesar Creek. For many years, we were not allowed to use it because of certain restrictions on the funds. Those restrictions have been lifted by the EDA from the Economic Development Agency and we are able to now, that's why we created a new fund for, so that we can use this in the pursuit of Economic Development. We will have some expenses upcoming, as you know we have applied for a new EDA grant through the OBDRC, did I get all the letters in there.

Clerk of Council - Yes, you did.

Mayor Raizk: I'm amazed. There are so many letters in here I can't stand it. The Economic Development Agency, I know you all have gotten some e-mails about the event on the 11th, that who is actually sponsoring that. That is where this money comes from; this money has actually been existing but we could not use it.

Councilmember Peterson: That's really the question.

Mayor Raizk: It's not new money or it's not something we have given out of general fund. Now it will be able to go into that line item and we will be able to use it for some of these projects. It is worthy of an explanation.

Chairperson Mongold: We are just putting it in line.

Mayor Raizk: But Mary Kay thought, rather than take, tracking it wise, taking it out of that line item would mean that the Auditors would say, okay, why are you taking it out of that line item, so now we need to create a fund to be able to spend it.

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

Motion passed.

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; 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. 4789 passed as read.

Chairperson Mongold: The third item tonight is also an ordinance Making Supplemental Appropriations and this is for the Fire Department. Actually, this is for a payment to Union Township for a grass fire vehicle that we are trading in on a new one.

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

Motion passed.

Director of Law read ordinance by title only.

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

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

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4790 passed as read.

Chairperson Mongold: The next item is an ordinance Making Miscellaneous Transfers. There are four items. Are there any questions?

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

Motion passed.

Director of Law read ordinance by title only.

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

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

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4791 passed as read.

Chairperson Mongold: The last item tonight is a resolution Declaring It Necessary To Light The Streets, Lanes, Alleys, Lands, Squares And Public Places In the City of Wilmington, Ohio, with Electric Lights, and for Special Assessments to be Levied to Pay the Cost thereof for the Year 2009. We are allowing a 5 percent increase from last year.

A motion was made by Mongold and seconded by Popp to give the first reading only on the Declaring It Necessary To Light The Streets, Lanes, Alleys, Lands, Squares And Public Places In the City of Wilmington, Ohio, with Electric Lights, and for Special Assessments to be Levied to Pay the Cost thereof for the Year 2009.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No.2100A passed as read.

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

Street Committee: Committee Chair Peterson: We have one piece of legislation and I would like to ask for it to be postponed. There are a couple of challenges with regard to this. It hasn't been amended as we required at the last committee meeting. We need to make that amendment and also get a map attached to the legislation. I would just ask that that be on the next agenda.

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

Wastewater/Sewer: Chairperson McKay - No report.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson McKay: We have two items tonight. The first item is the third reading on the ordinance Establishing Ward Boundaries, changing ward boundaries due to the annexation of the airpark. If there are no questions, I move for the third reading.

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

Motion passed.

Director of Law read 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 Ord. No. 4793 passed as read.

Committee Chair McKay: The second item is a third reading on the ordinance amending our classification ranges with two positions. You will note that we have added the position of Code Enforcement Official back into the classification range, which actually was the intent of Civil Service. We got a little confused on that. We appreciate Mr. Hunter's kind thought of that which helped on that. Any questions?

Councilmember Peterson: So do we need to amend the previous?

Chairperson McKay: I'll leave that up to the Law Director how we should approach this.

President Ertel: It has changed.

Director of Law: You need to present it as amended then. You're asking for a reading as amended.

Councilmember Peterson: We need a motion to amend and then for the reading. Okay.

Chairperson McKay: I would therefore amend this ordinance as stated.

Councilmember Peterson: I'll second that.

President Ertel: All in favor signify by saying aye, opposed nay. The ordinance is amended,

Councilman Wells: I have a request, too. Since we are having a new position added on the schedule and we have a range change on the same ordinance, I would like to request that we separate them under Rule 9 of the council rules.

President Ertel: Believe it or not, I do understand what Rule 9 is and that is single subject rule. These are both falling under the classification system. However, it can be spelled out if you want to do so. If it is the desire of council to split it out, if you want to make a motion and there will be a second, then we will vote on it.

President Ertel: Do you make a motion?

Clerk of Council: We have a motion.

Councilman Wells: I so move.

Clerk of Council: We have a motion on the floor to amend.

President Ertel: That's has been voted on.

Clerk of Council: Oh, it was, sorry.

President Ertel: Mr. Wells?

Councilman Wells: I so move to; I would like to vote on them separately.

President Ertel: Okay.

Councilmember Peterson: He needs a second on that so we can have a roll call.

Councilmember Peterson: I'll second that.

President Ertel: Now, the motion is to separate these two, into two separate motions, correct?

Councilmember Peterson: I'm seconding that so we can vote on it.

President Ertel: All in favor signify by saying aye, opposed nay.

All voted aye except Councilman Jaehnig.

President Ertel: Okay, we have just voted to split this into, correct?

Chairperson McKay: Could I move for a roll call?

Councilmember Peterson: We need a roll call.

President Ertel: Sure, let's do a roll call, if you prefer.

Councilmember Wallace: What am I voting on?

President Ertel: Splitting it into two.

Councilmember Peterson: I seconded his just so we could vote on it. I plan to vote not to separate it. Because I do believe anything that comes here we should vote on.

President Ertel: Let's do a roll call then. This is to split into two.

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

President Ertel: So the motion is defeated to split and so now we are back to a single.

Chairperson McKay: Is there further discussion? If not, I would move for the third reading as amended, on the ordinance as amended.

Councilmember Peterson: I will second that.

President Ertel: All those in favor signify by saying aye, opposed nay. All council members voted "Yea." except Wells voted, "Nay."

Director of Law: An Ordinance Amending Ordinance No. 4761 Establishing Classification and Salary Ranges for Certain City Employees, Repealing Ordinances And Parts Of Ordinances In Conflict Herewith, As amended.

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

President Ertel: All those in favor signify by saying aye, those opposed nay.

All council members voted "Yea." except Wells voted "Nay. "

Motion passed.

President of Council declared Ord. No. 4794 as amended and read.

Chairperson McKay: We do have one more which is a resolution approving Special Assessment to be levied on the taxpayers having to do with weeds and grass.

We have maintained for them because they have not taken care of that themselves and also utility bills which are deemed uncollectible. Anything out of the Utility Billing Department (inaudible). Any discussion?

A motion was made by McKay and seconded by Peterson to give the first reading only on the resolution Approving Special Assessments Pursuant To Chapters 923.09 And 929.03 And 1729.03 Of The Codified Ordinances Of The City Of Wilmington, And Declaring An Emergency.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2100 passed as read.

Safety Committee - Chairperson Wells- Tonight I have one item on the agenda and it is accepting a gift from the Camp Safety Company of a radar unit valued at \$895.00. Are there any question?

Council member Jaehnig- Who is that Camp Safety Company?

Safety Director, Nick Babb - They do all our changeovers on police cars. They do a lot of work for us.

Council member Jaehnig - This is just kind of a goodwill thing for them.

Safety Director, Nick Babb - Yes.

Councilman Wells - Any other questions or suggestions?

A motion was made by Wells and seconded by Peterson to give the first reading only a Resolution Accepting a Gift.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Wells 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 resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2101 passed as read.

Chairperson Wells - I would like to, Nick, say, "Thank you." to the Camp Safety Company for this donation. We appreciate it.

Downtown Revitalization Committee - Convener Sandy Mongold - No report.

Councilman Jaehnig: I like to say that the Downtown Alive sessions this summer were fantastic. It is too bad that the weather didn't quite cooperate but still they were there late having a good time and I applaud Main Street for a fantastic program.

Councilmember Mongold - Thank you; they were all very supported.

Mayor Raizk - To echo that, it is interesting because as these things gain more and more traction the word of mouth spread, which was just great, people were saying well what are they going to do in September. No, I said that was the last one for the summer. But so people are anticipating, well I hope they do that again next year. The response was just fabulous.

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

President Ertel - You are probably winding down your stuff out there too aren't you.

Council member Wallace - We have had a very active summer out there, a lot of activity.

It is time to get the winter work done. Tennis courts, if you haven't been by the high school lately, they have all the fence up. Actually they are supposed to start painting the surface or sealing the surface tomorrow. It has been two weeks since they laid the blacktop so 90% of the exterior work is done and they look like tennis courts. So it is time to get the surface painted and we are ready to play tennis. It is going to be a magnificent facility, it really is. I am very proud and I have said this before in here that Dave Allen has done just a terrific job on keeping them at task at the site. It is going to be something everybody in Wilmington can be proud of.

President Ertel - Now are those open to the public?

Councilman Wallace - Sure, it is city property; absolutely.

President Ertel - Are you going to have geriatrics leagues?

Councilman Wallace - If we don't have light and you can play out in the yard.

Service Director - Larry Reinsmith was on vacation and not present.

Safety Director – Nick Babb - No report.

A motion was made by Wells and seconded by Jaehrig to accept the Hotel Lodging Tax 2nd Quarter 2008 and the Income Tax Receipt Summary for August 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.

Richard Bracht, Pastor of Assembly of God Church, located at 609 W. Locust Street here in Wilmington, Ohio. It is good to see you Mr. President and Mr. Mayor and Council. I would like to just ask for consideration for a cross-signals, crosswalk signals to be put up at Farquhar and Locust Street. There is a heavy amount of traffic, pedestrian traffic because of school. A lot of kids walk to school that live close by that are not being picked up on busses and that would help the safety issue as far as that is concerned. I would like to ask if the Council would look into that and if it does get put up that it is put up on the far side, or the west side of the intersection, away from traffic so that cars are able to see pedestrian crossing a little bit easier.

Mayor Raizk - Richard, you now own the alley do you not, the church?

Pastor Bracht – It is split. The driveway is split between the Parkers and us.

Mayor Raizk - So if we do the crosswalk, are you going to allow the folks, to walk past, I'm sure they do now through your parking lot towards the village.

Pastor Bracht - They do now.

Mayor Raizk - I am only asking these questions so that when we look at this, we will look at it and look at the engineering and get CDS up here to look at it and look at it internally. But you want the crosswalk then to be on west side, that would be the closest to your church.

Pastor Bracht – The west side of Farquhar which would be the farthest away, the other side of the intersection away from the traffic that is stopped on Locust Street. The reason I am asking that before that, the crosswalk closes two issues. The crosswalk closes to traffic crossing there, when you cross over, the only sidewalk that is there is what goes down Locust Street to the east. There is no sidewalk because that is a residential house there, there is no sidewalk next to, when you come off of that next to the house. On the other side, the west side, when you cross over there you are actually at a sidewalk that goes west on Locust and/or goes north into our property, yes. But at least there is a sidewalk there for people to use.

Mayor Raizk - That is what I want to get clear so we will take a look at it and start looking at how we can do that.

Pastor Bracht - I think everybody is aware, that really the spotlight here, is the accident that happened a week ago yesterday, last evening, with Desiree Thomas, the daughter of Dave Thomas who is a firefighter here in Wilmington.

President Ertel - Do you suspect there will be in issues persons coming from, since the west side of Farquhar is the, that would be the Cancer Center, correct.

Pastor Bracht - The Cancer Center side of the street, yes.

President Ertel - Do most of the kids walk on that side or over on the other side, the east side?

Pastor Bracht- It is both.

Councilmember Peterson - I walk that area most days, that is part of my walk routine, and I pick which side of the street I want to walk on because there is not crosswalk and I think that habits would draw people to the west side if there was a crosswalk.

President Ertel - I was just wondering if there would be another safety issue crossing from someplace (inaudible).

Mayor Raizk - We will look into that right away.

President Ertel - Very good. Any other persons wishing to address Council? (Seeing none.) Do I have a motion?

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk