

Wilmington City Council met on Thursday, July 2, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

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

Council gave the Pledge of Allegiance to the flag.

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

President of Council – Fred Ertel: The Mayor is not joining us tonight. The surgery was hopefully successful this afternoon. It hopefully turned out good. Let's turn to committee reports. Asset, Acquisition and Use?

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

President Ertel: Very good. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have tonight is an ordinance making supplemental appropriations. We have a description at your place explaining that.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4853 passed as read.

Councilwoman Mongold: The second item tonight, we have an opportunity to obtain up to \$400,000 to be used for road, bridge and culvert projects.

A motion was made by Mongold and seconded by McKay to give the first reading only on A Resolution Authorizing the Mayor to Apply to the Ohio Public Works Commission for LTIP Fund for \$400,000 for Road, Bridge, and Culvert Projects and Declaring an Emergency.

Councilman Wallace: In this grant, is this is a grant that we have a partial payment into or is this is a free grant?

Clerk Laura Curliss: This is like excess money that the county has available to it for small cities paving projects, as well as township and county.

Councilman Wallace: That the county has available?

Clerk Laura Curliss: Yes. It is part of the ODOT appropriation for District 8.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2154 passed as read.

Councilwoman Mongold: That is all we have. Thank you, Mr. President.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Thank you. Wastewater/Sewer?

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

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: We have one item this evening, Mr. President. We have the second reading on an ordinance creating a green enterprise zone in the City of Wilmington, as amended.

Councilman Wallace: I would like to ask, before we take this vote, we were supposed to hear a report on the economic pressures that this would put to our budget. I was kind of looking for that before getting a majority on this. Someone was going to tell us how much they thought this was going to cost us.

Clerk Laura Curliss: The way it is written, it is what you appropriate in your annual budget process. So you could appropriate zero.

Councilman Wallace: So it is back on us then?

Clerk Laura Curliss: You could put zero in that line. You could put 5, 10, 15, 25... whatever. And then, you know, it is possible that there will be some federal program that would allow us to get money for these kind of improvements. We are seeing in the ARA funds more and more green energy, advanced energy, green building projects, some of which the city will eligible to apply for. It is possible in the future that you might see more programs like that...that we could get money to put into that line as grant money, but right now, it would be from the general fund.

Councilwoman Mongold: And that will be recommended....go ahead Geoffrey.

Treasurer Geoffrey Phillips: Two items, Mr. President, in going over it. You probably need to move to amend this before you read it because this is vastly different than the first reading. Also, if I may answer your question Councilman Wallace, the first reading dealt with taxation based. That is completely taken out of this document, so the process now will be much different than the first reading. So, the financial impact is totally up to the budgetary process, so you will be fully part of that each year in terms of what the appropriation is.

Councilman Wallace: It is interesting, because as I read it today, it is still going to be a budget that is going to be given to council in September. So, will be that for all year? That would not be for any type of fiscal year starting in September. We're already...

Clerk Laura Curliss: Right. It would be for next year.

Geoffrey Phillips: For this program right now, my understanding would be you are looking at the first [inaudible for transcription] for it to be 2010. It would for 2010. As for any program in the City, during a calendar year, it could be eligible for additional appropriation, as council wishes.

Councilman McKay: As I understand it, that would be driven by folks wishing to participate. There would be a group of people that apply for the project monies. Then our budget would be designed around how many of those projects we felt we wanted to fund.

Councilman Wallace: I guess I kind of forget. What is the deadline for those applications? Is it like September 1, too? Is that a deadline so that that budget would reflect the applications?

Councilwoman Mongold: In September, we would determine the amount to be appropriated for the following year, so it would be in the budget. And then throughout the following year, any time somebody would want to apply, it would be discussed in committee, and if we ran out of money that we appropriated, we either have the choice to supplement additional funds or deny the request.

Councilman McKay: There is a gentleman here in the audience and I think they may have a comment.

Mark Rembert: The way the ordinance is written, the Green Enterprise Zone Development Council will form and establish its own set of rules for the process in which applications will be received. I think that will be something that the Council, in coordination with City Council, to establish an application process which is both conducive to the budgeting process of City Council but also allows for effective grant programs, so we can make sure that we can get money out effectively.

Geoffrey Phillips: Councilman Wallace, in the first of the two Finance Committee meetings, the Mayor did mention his interest in having to take this program and leverage dollars with the Department of Development. Whether there would be any available or not, that was his interest in multiplying what we contribute to create a greater pool of funds.

Councilman Wallace: Well, I know that, but the way it is written, we are automatically spending money, because we are paying for office supplies and things for an office some place, so we have automatic expenses right off the bat before we even talk about grant monies.

Clerk Laura Curliss: The only expense you have is the clerk and any minor supplies, like paper and red wells and that sort of thing. No office, because they will just do what a lot of boards do and they will just use our office or council chambers or something.

Councilman Wallace: I guess I just want to make sure I know where we are heading with this whole thing before we get into it. Because I don't want us to turn around and have this smack us in the face here and suddenly we're putting money in there that we cannot afford.

Geoffrey Phillips: To me, the most important adjustment that has occurred is that we have taken this program so that it is totally separate from any business income or withholding taxes paid by businesses, which would have financially had a bottomless hole. This will have a limit set by you – by Council.

Councilwoman Mongold: Are there any other questions?

President Ertel: I think Geoff has a good point. We can amend even though next week we will amend this again, because there are other improvements that are going to be made too. As a point of order, there are amendments. Can I have a motion to amend?

A motion was made by Popp and seconded by McKay to amend the ordinance.

Motion passed.

Ordinance amended.

A motion was made by Popp and seconded by Peterson to give the second reading only on the ordinance Creating a Green Enterprise Zone, as Amended.

Motion passed

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

President Ertel: Thank you. Safety Committee?

Safety Committee- Councilman Wells: Since Rob is not here...we don't have anything on the agenda, Mr. President, but I would like to ask the question about this letter from Bill and Mary McCoy. Since Nick is here...Have you read this, Nick?

Safety Director Nick Babb: Yes.

Councilman Wells: Maybe we should have some discussion about this before... We've applied for some grant money to do the construction work and get the new range and everything... maybe we should have some discussion. Is there any other place we could do this range that would be feasible.

Nick Babb: Well, the Mayor and I have talked and he has asked the Chief of Police to come up with some different options in addition to shooting out here at the landfill, so we are going to be doing that.

Councilman Wells: Okay.

Safety Director Babb: As far as in the City, we are pretty well tied to that location. There is not any place in the City. The Sheriff shoots out at the old county landfill, which we get calls on too, so it is six of one and half a dozen of the other as far as proximity to city residences.

Councilman Wells: Have we ever used the Farmers and Sportsmen's Club?

Safety Director Babb: Yes. We just did...when Mike?

Chief Hatten: Last week.

Safety Director Babb: That is an option we are going to look at.

Councilman Wells: What I want to ask is...would it possible to use this money in cooperation with them at their range to maybe some make some improvements?

Safety Director Babb: Whose range...the Sportsmen's Club?

Councilman Wells: The Sportsmen's Club.

Safety Director Babb: We submitted the application to do specifically what we wanted to do out here. I don't know. Probably not. If we got the grant for doing what we proposed, we couldn't use it for something else.

Councilwoman Peterson: Maybe we should let Nick do some research and then...

Safety Director Babb: We are going to go back and look at this because Bill has a good point. I've heard them out at my house on Kathryn Drive. I have heard them shooting. I've heard the county shooting from where I live. I don't think either one of those options in terms of noise... In terms of safety, we would take all precautions. We have never had a safety incident as far as bullets going somewhere other than where they were supposed to. We're kind of pulling back. We're going to look at all options, and I am sure that Mayor will involve council in these things.

Councilman Wells: Okay. Thanks a lot. I just wanted to bring that up since we just got it. I knew we had some funds on the way. Thank you.

Safety Director Babb: We haven't got those yet. We have not been approved yet.

Councilman Wells: Thank you, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

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

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Thank you. Service Director?

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

President Ertel: Safety Director?

Safety Director – Nick Babb: Just to mention, we have had some skateboarding downtown here recently, and I just want to remind those who choose to skateboard, that skateboarding in the downtown area is not allowed. If our kind representative at the News Journal would put the word out, we would appreciate it.

Councilwoman Peterson: What is the procedure? Are they actually ticketed?

Safety Director Babb: We would like to avoid that. We would like to just ask them to stop. That will probably be the first thing we do. We don't want to get to a point that we have to take away their skateboard.

Councilwoman Peterson: There is a lot of that occurring in the outlying...

Safety Director Babb: It is occurring a lot of places. I have seen people skateboarding everywhere around the city. It is a great sport. I am not demeaning that; it's just we cannot do it downtown.

President Ertel: Very good. Thank you.

Reports:

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

Motion passed.
Report accepted as received.

President Ertel: At this point, I would like to open the meeting up to the general public and/or members of council to address council while in session.

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

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

ATTEST:

President of Council

Clerk