

Wilmington City Council met on August 6, 2009, with President Fred Ertel presiding.

Roll Call: Jaehnig, present; Wells, present; Peterson, present; Wallace, present; Popp, 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 McKay to approve the minutes of the last regular meeting, July 16, as received.

Motion passed.

Minutes approved as received.

A motion was made by Jaehnig and seconded by Wallace to approve the minutes of the last special council meeting, July 20, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: I have a Notice to Legislative Authority here from the Ohio Division of Liquor Control for a new D-51 liquor permit. It is from The Loft at Samuel Walkers, LLC dba The Loft at Samuel Walkers; 64 W. Main St.; Wilmington, Ohio. This will be on file at the office of the Clerk of Council. Also, we have a Notice to Legislative Authority from Liquor Control for a new D-51 liquor permit from Bel-Air Group, LLC dba the Buckeye Livery Co. Café & Cassanos Pizza; 37 W. Locust St.; Wilmington, OH 45177. That will also be on file with the Clerk of Council. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: I have no report.

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

Asset, Acquisition and Use –Chairperson Sandy Mongold: We have one item tonight, and that is a resolution authorizing the Mayor to enter into a purchase and sale agreement of real property owned by Textron, Inc. (67 acres more or less).

A motion was made by Mongold and seconded by Popp to give the first reading only on A resolution Authorizing the Mayor to Enter into a Purchase and Sale Agreement for Real Property Owned by Textron, Inc. (67 Acres More or Less).

Motion passed

In the absence of the Director of Law, 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; Popp, yes; Mongold, yes; McKay, yes.

Paul Hunter: I want to know what CORF is. What does that stand for? C-O-R-F.

Mayor Raizk: Clean Ohio Revitalization Funds. There are two sets of grants, Paul. CORF, what we are applying for, funds the Phase II. As you know, this agreement is predicated on what is found. We have complete back-away rights in this agreement. The next is COAF. That is the mitigation part of it. You have to do the one, and then we will apply for the other. That money from the brownfield will actually mitigate the property.

Paul Hunter: In gas stations, I know, the cost of mitigating stays with the original owner.

Mayor Raizk: At the end of the day, if this all goes as planned and everything works, they get from the state of Ohio an agreement not to sue, because the mitigation has occurred of the brownfield. That is the impetus in working with the City. If it all works out that way – that is what happens. They are actually taking this off the market.

Incidentally, the latest version has the closing date of August 30, 2010, not June. That goes along with the grant cycles.

Paul Hunter: Thank you very much.

Cindy Peterson. I just have a question. I assume we are doing three readings because of the time.

Mayor Raizk: Yes.

Jason Besser read the 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. 2155 passed as read.

President Ertel: Anything else, Sandy?

Councilwoman Mongold: No. Thank you, Mr. President.

President Ertel: Okay. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: The first item we have tonight is a resolution requesting the fiscal officer to certify as to the estimated maximum maturity of bonds and notes, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Requesting Fiscal Officer to Certify as to Estimated Maximum Maturity of Bonds and Notes, and Declaring an Emergency.

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; Popp, 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; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2156 passed as read.

Councilwoman Mongold: The second item is the ordinance authorizing issuance of bond anticipation notes of the City of Wilmington in the principal amount of \$915,000 for the purpose of acquiring and constructing improvements constituting vertical expansion of the City's landfill facility, and other lawful costs incident thereto and to the issuance of said anticipation notes, and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Authorizing the Issuance of Bond Anticipation Notes of the City of Wilmington in the Principal Amount of \$915,000 for the Purpose of Acquiring and Constructing Improvements Constituting Vertical Expansion of the City's Landfill Facility, and Other Lawful Costs Incident Thereto and to the Issuance of Said Bond Anticipation Notes, and Declaring an Emergency.

Motion passed

Jason Besser read ordinance by title only.

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

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

Jason Besser 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; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4859 passed as read.

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

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have two items. You will recall, we have two projects that are being funded through grants through the Ohio Department of Transportation. They require legislation to move forward. To say there is little or no flexibility in the legislation would be incorrect. There is no flexibility. They pretty much give us the legislation and ask us to pass it. We have two pieces because we have two projects. We have the U.S. 22 project and the 68 project. We need to pass this legislation in order to move forward with that project. Any questions?

Councilman Jaehnig: Cindy, this is saying a first reading, but then it says it is declaring an emergency at the bottom. Are there supposed to be multiple readings?

Councilwoman Peterson: I only have it as one reading. The discussion I had earlier in the week was for one reading. Is there a time constraint?

Mayor Raizk: No. It is for one reading, but the ordinance is an emergency. The difference is we do not have to suspend the rules, but when you are done with the third reading, it does become active.

Councilman Jaehnig: Okay. Thank you.

Mayor Raizk: There is a difference between those two.

A motion was made by Peterson and seconded by Wallace to give the first reading only on a resolution Adopting Preliminary Legislation for the Resurfacing, Sidewalk and Curb/Gutter on U.S. 22 (Main Street) from just East of Dana to the Intersection of Wall Street and on U.S. 22D (Locust Street) from Mulberry Street to the Intersection of Wall Street and Also Sidewalk and Curb & Gutter on U.S. 22D (Locust Street) from Mulberry St. to Wayne Street (S.R. 73) and Declaring an Emergency.

Motion passed

Jason Besser read resolution by title only.

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

A motion was made by Peterson and seconded by Wallace to give the first reading only on a resolution Adopting Preliminary Legislation for the Resurfacing of U.S. 68 Including Sidewalk and Curb/Gutter from U.S. 22 (Main Street) to the Northern Corporation Limit and Declaring an Emergency.

Motion passed

Jason Besser read resolution by title only.

Peterson requested that the second and 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.

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

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

Judiciary Committee: Chairwoman Leilani Popp: We have one item this evening, Mr. President. Mr. Floyd, do you have anything to say before this?

City Cab Supervisor, Phil Floyd: Not particularly. I appreciate it.

Councilwoman Popp: We all received an email from Phil explaining how we were the last holdout in Ohio to still have a “cab” company. This legislation will change it. The State of Ohio is powerful, so we are moving along with the name change.

A motion was made by Popp and seconded by McKay to give the first reading only on the ordinance Changing the Name of the Wilmington City Cab to the Wilmington Transit System (“WTS”) and Authorizing the Use of the Term “WILTRAN” for Marketing the Services of the WTS.

Motion passed

Jason Besser read ordinance by title only.

A motion was made by Popp 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.

Jason Besser read the ordinance by title only.

A motion was made by Popp and seconded by Peterson 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. 4860 passed as read.

Councilwoman Popp: Nothing else, Mr. President.

Councilwoman Peterson: I just have one question. Is there still a 25th Anniversary on the 22nd?

Phil Floyd: That is something we are planning for now. We have that from 11 am to 2 pm on Saturday, August 22. We are putting things together for that right now.

Mayor Raizk: It will be the official unveiling of WILTRAN. “WILTRAN-sport” you anywhere.

[Laughter]

President Ertel: Thank you. Safety Committee?

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

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President. I would like to make people aware of the annual downtown yard sale that starts tomorrow -- tomorrow and Saturday. This is a project of DWIC. There will be nonprofits on the street selling anything and everything. Also, something new this year, it is kind of like the Wilmington style of the *Antiques Road Show*. At 3:30 at South Street Gallery, 4:30 at For a Song and a Story, and 6:00 at the Chic Shanty, our own Gary Kersey will be looking at items and giving a good value for your items.

Councilwoman Mongold: Like an appraisal?

Councilwoman Popp: Well, not exactly. It is a Bargain Tips class. He will look into getting good value for your selections of art, books, and furniture. Also there is going to be a yard sale scavenger hunt. Most downtown business have information about that. So, come one, come all, and find all kinds of bargains. That is all, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Mike Wallace: I would like to ask that we establish a meeting the first week of September as a follow-up on the meeting we just had.

President Ertel: Okay. Very good. Very nice.

Mayor Raizk: We will have Andrea get in touch and see.

Andrea Tacoronte: Do we have any known conflicts on that week?

Councilman Wallace: Labor Day.

President Ertel: It is looking like you had a great meeting. There was a great turnout.

Mayor Raizk: They did a good job.

Councilman Wallace: That is all I have.

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

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – Through July 2009.

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.

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk