

Wilmington City Council met on Thursday, September 3, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

President Ertel: Thank you so much. There are a lot of people here tonight. This is great. If you have any questions during the meeting on how things work and so on, just raise your hand, and we will see what we can do to answer it, because we do move pretty quickly and whatnot. If you have any questions, just let me know.

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

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: That concludes my portion of the Agenda. Mr. Mayor?

Mayor – Mayor Raizk: Thank you Mr. President. I don't really have a large report tonight, other than I believe that at everybody's place you did get a memo. (Gary, I don't know if you have gotten this yet or not.) We will have our Ceremony of Remembrance as we have had every year on September 11 at 7:30 am in the Municipal Parking Lot area. We have had a long string of these. We have not missed, and we do not intend to. I want to make sure that everybody remembers. This year it is on Friday. Any member of the community that would like to come, not just the city and county employees, but anybody, is more than welcome. That is all I have.

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

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Yes. The first item we have tonight is an ordinance making miscellaneous transfers.

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 4866 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations. Are there any questions?

A motion was made by Mongold and seconded by Popp 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 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 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. 4867 passed as read.

Councilwoman Mongold: The third item tonight is a resolution approving special assessments pursuant to Chapters 923.09, 929.03, 1701.10, and 1729.03 of the Codified Ordinances of the City of Wilmington, and declaring an emergency. This resolution is to send to the County our assessments for mowing, sewer and so forth. We do this every year.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Approving Special Assessments Pursuant to Chapters 923.09, 929.03, 1701.10 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 Mongold and seconded by McKay to suspend the rules and give the second and third reading on the resolution by title only.

Councilman Wallace: Can I ask a question?

Councilwoman Mongold: Yes.

Councilman Wallace: The words “special assessments” for this. Are we changing how we assess the [inaudible for transcription]?

Law Director Kathryn Hapner: No. It goes on the tax roll. It is a special assessment because it is not part of the real estate taxes. It is an assessment from the City, which is considered a special assessment.

Councilman Wallace: Thank you.

Geoffrey Phillips: Do we have a copy of Exhibit A and B? Do you have that?

Law Director Kathryn Hapner: I have it.

Clerk Laura Curliss: It was attached to your ordinance.

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 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. 2160 passed as read.

Councilwoman 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 with electric lights and for special assessments (once again, that word) to be levied to pay the cost thereof for the year 2010. This is a yearly resolution that allows us to light the streets.

A motion was made by Mongold and seconded by Peterson to give the first reading only on a resolution Declaring it Necessary to Light the Streets, Lanes, Alleys, Lands, Squares, and Public Places in the City of Wilmington, Ohio, with Electric Lights, and for Special Assessments to be Levied to Pay the Cost Thereof for the Year 2010..

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 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. 2161 passed as read.

Councilwoman Mongold: The next finance meeting will be September 14 at 12:00 noon.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have one item on the agenda this evening, Mr. President. At your seats is a graph of what has been happening for the last few years with water revenue. It presents a problem for us as far as trying to payoff the notes that we have. They recommended that we go ahead and pay off this bond that we started making in 1998 to try to help. We have a few dollars in reserve at this time, so that is what we are trying to get accomplished. We think it will help us in the long run. It has been recommended by the Treasurer. Geoffrey, is there anything else you want to throw into this pile?

Geoffrey Phillips: What this does, it will lessen our debt coverage by about \$200,000 to \$220,000 a year.

Councilman Wallace: Are there any questions that we can answer before we can bring this matter in?

A motion was made by Wallace and seconded by Peterson to give the first reading only on the ordinance Authorizing and Directing that Certain First Mortgage Waterworks System Revenue Bonds Issued in 1998 be Called for Optional Redemption by the Bond Trustee, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Wallace 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.

Paul Hunter: May I ask a question, please? This will prevent us from raising water rates this year? That's the idea, right?

Councilman Wallace: We're hoping to. Yes.

Paul Hunter: So it's not for sure?

Councilman Wallace: We're trying to do everything we can, Paul, to keep it where it is at. This is kind of a result of that meeting you were at about a month ago.

David Hollingsworth: Paul, I think this is what we really felt comfortable with, taking up the reserves. We are not earning hardly anything on that money, and if we could pay off some old bonds that we're paying probably over 5% on, save that money, and then help reduce our debt. The coverage ratio is mandated by the bond.

Paul Hunter: To keep it 1.1.

David Hollingsworth: So we are trying to keep it at 1.1.

Geoffrey Phillips: These bonds range from 4.6 to 5.2.

Councilman Wallace: We are hoping that this will balance it out so we make that goal.

Director of Law read the ordinance 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 Ord. No. 4868 passed as read.

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

President Ertel: Thank you very much. Streets Committee?

Streets Committee – Chairperson Peterson: I have the third reading on a resolution that we need to have in place. The Ohio Department of Transportation requires this, as you will recall, for us to accept the state-allotted funds for this project.

Clerk Laura Curliss: Madam Councilwoman? The state sent us a new title. It is the same project, new title. We need to amend the title. That is why it says "as amended."

A Motion was made by Peterson and seconded by Wells to Amend the title of the legislation.

Motion Passed.

Title of resolution amended.

A motion was made by Peterson and seconded by Wells to give the third reading only on a resolution Adopting Preliminary Legislation for Pavement Repair, Planing and Resurfacing Including Sidewalk Repair/Replacement and Curb and Gutter Repair/Replacement (On U.S. 68) from U.S. 22 (Main Street) to the Northern Corporation Limit and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Motion passed.

President of Council declared Res. No. 2162 passed as amended and read.

Councilwoman Peterson: That is all.

President Ertel: Thank you. Solid Waste/Recycling?

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

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

Wastewater/Sewer Committee: Chairperson Mark McKay: Thank you, Mr. President.

We have a couple of items on the Agenda tonight, which are both related. I would like to switch Item B to read first because it has to do with financing. Then, the second item will be giving the mayor approval to contract. The first item is a really good thing that

came to pass since the last council meeting. It was driven by the Auditor's office, the Treasurer and the Administration. They have found a way to finance our Nelson Avenue Project without having to take a large amount of money from the sewer fund as we thought we were going to have to. In conjunction with that, the bid opening revealed that the project was not going to cost as much as we thought it would. Instead of having to borrow \$1.5 million, we are only going to have to borrow \$1.25 million. This will be from the group called the Ohio Water Development Authority. It is a loan with a 20-year amortization. It is not bonded, which makes things a little less expensive. It keeps the majority of our sewer fund in place for other things as we need. I would entertain any questions in regard to this.

Paul Hunter: The money is going to come from the sewer fund, though, right? That is the plan. The money to pay back.

Councilman McKay: That is correct. Are there any other questions?

A motion was made by McKay and seconded by Wells to give the first reading only on a resolution Authorizing a Cooperative Agreement Between the City of Wilmington, Ohio, and the Ohio Water Development Authority for the Construction and Maintenance of a State Water or State Wastewater Project and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2163 passed as read.

Councilman McKay: Now that we have the financing in place, I would like to move to item A, which authorizes the Mayor to contract for the construction of these improvements.

A motion was made by McKay and seconded by Wells to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Contract for the Construction of Sanitary/Stormwater Sewer Improvements and Pavement Restoration on Nelson Avenue and Declaring an Emergency, 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. 2164 passed as read.

Councilman McKay: That is all I have, other than a lot of kudos to everyone who have worked hard to find an alternative way to finance this. In these times, we need to be creative, and everybody did their job. That is all I have to say.

President Ertel: Thank you. Judiciary?

Judiciary Committee: Chairwoman Leilani Popp: We have three items, Mr. President. The first reading tonight on a resolution authorizing the submittal of a proposal with the Ohio Department of Transportation for a grant through the US DOT from the Ohio Public Transportation Grant for Ohio Elderly and Disabled Transit Fare Assistance. Phil, do you have anything to add to this.

Phil Floyd: Just that we have submitted the written proposal for the 2010 grant electronically, and then the signed certificates and assurances that need to be sent this year. This starts the process of three readings and then the public hearing October 1. That will get us rolling until we hear from them whether we have been approved for what we requested. I would like to take a second, though, to quickly thank those who came and supported our Open House on August 22. We deemed it a great success. We thank the Council and the Mayor for all of their support.

A motion was made by Popp and seconded by Peterson to give the first reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant through the U.S. DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Fund Available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled Transit Fare Assistance Program and Executing a Contract with the Ohio Department of Transportation upon Grant Proposal Acceptance and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the second reading be on the Agenda for the September 17 council meeting.

A motion was made by Popp and seconded by McKay to give the first reading only on a resolution Authorizing the Execution of a Contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the second reading be on the Agenda for the September 17 council meeting.

Councilwoman Popp: Thank you, Phil, for all of your work with getting all of these done. The third item is a resolution authorizing the mayor to prepare a FY 2009 CDBG Tier II Downtown Revitalization Grant Application.

A motion was made by Popp and seconded by Jaehnig to give the first reading only on a resolution Authorizing the Mayor to Prepare a FY 2009 CDBG Tier II Downtown Revitalization Grant Application, to Contract with CDC of Ohio to Perform a Building Survey to be Included in Said Grant Application and to Submit the Grant to the Ohio Department of Development and Declaring an Emergency.

Motion passed

Director of Law read resolution 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 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 Popp and seconded by Jaehnig 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. 2165 passed as read.

Councilwoman Popp: That is all I have, Mr. President.

President Ertel: Thank you so much. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report this evening, 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 – We had a lot of fun last weekend out at the park, with the cars and the band and everything. It was a lot of fun. I really have no report.

President Ertel: We'll take good news to report. Service Director?

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

President Ertel: Thank you. Safety Director?

Safety Director – Nick Babb: No report, Mr. President.

Reports:

A motion was made by Jaehnig and seconded by Peterson to approve the Income Tax Report – August 2009 and the Hotel Lodging Tax Report – 2nd Quarter 2009, revised, as received.

Motion passed.

Reports accepted as received.

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

Paul Hunter: 200 Randolph Street. Wilmington. Mr. Mayor, you have seen this. This is on the water bills...the spreadsheet saying who is delinquent on water bills.

Mayor Raizk: I have not seen it, Paul.

Paul Hunter: I humbly request that you ask the Director of Code Enforcement to prepare such a list. He is required to put the information out, but as Madam Clerk can tell you, the only way I can get that information is to go through every file that has been created in that department over the past 5-6 years. The spreadsheet that we had under Mr. Greg Bell looked just like this. I have been trying to get that sort of cooperation from that office, to date with no success.

Mayor Raizk: I'll look into it.

President Ertel: Thank you. Is there anyone else wishing to address council?

Mary Richardson: Members of the City Council. I am Mary Richardson. My husband and I reside on Woodside Drive, and these neighbors are ours. Our question to the council is why zoning laws are not enforced. Our street is zoned for single-family residential homes. Family, as defined in Section 1131.24 in your Planning and Zoning Code states "Family' means one or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses' home, fraternity or sorority house." Why does this continue to not be enforced and what can we do to correct this violation? We live by a house with six unrelated persons, not living as a single housekeeping unit. We would like to have an answer as to why this is overlooked.

Mayor Raizk: Give your address to her [Clerk of Council], but then tell me the address of the house.

Mary Richardson: My address is 1504 Woodside. The house in question is 1516 Woodside. Thank you.

President Ertel: Thank you.

Yvonne Hayes: I am the next door neighbor on the other side. I am a widow and live alone. One time the police came over and even arrested people out of this house. So, how safe is it for a widow living alone?

Mayor Raizk: You say there are six people.

Yvonne Hayes: 1528 Woodside Drive. There are six and seven sometimes. If you need to know where the house is, we can tell you. What can be done about this?

President Ertel: What are the ages of the persons?

Mary Richardson/Yvonne Hayes: Adults.

Mayor Raizk: And they are not related? It is not a family of any kind.

Mayor Raizk: Let me ask you a question. Is somebody charging rent to these other people?

Mary Richardson: Each one pays individual rent.

Mayor Raizk: Are any of the people who own the house living in it?

Councilman Jaehnig: So, it is like a sublet.

Mary Richardson: So, would a sublet be okay?

Mayor Raizk: We will look into it. I'm not sure what applies here, but we will find out.

Mary Richardson: Will we hear from you?

Mayor Raizk: Yes. We will let you know.

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 Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk