

ORDINANCE NO. _____

DECLARING TWENTY-TWO ACRES, MORE OR LESS, OF REAL PROPERTY OWNED BY THE CITY, MORE COMMONLY KNOWN AS THE "FAIRGROUND PARKING" AREA, TO BE SURPLUS PROPERTY, AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR SAID FAIRGROUND PARKING WITH THE BOARD OF COUNTY COMMISSIONERS, CLINTON COUNTY, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, in 2010, the City of Wilmington became the owner of a parcel of real property formerly owned by Textron, Inc.; and

WHEREAS, for many years Textron, Inc. allowed the public to use a certain portion of this real property for a parking area related to activities at the Clinton County Fairgrounds; and

WHEREAS, the area more particularly described herein as the "Fairground Parking" area is not needed by the City for a municipal purpose; and

WHEREAS, the Board of Commissioners of Clinton County, Ohio desires to purchase the Fairground Parking area for continued use by the public and intend to enter into a purchase and sale agreement with the City related to this parcel; and

WHEREAS, this transaction is a sale of real estate is for a public purpose to another governmental entity and this Council intends to transfer it without competitive bidding under its home rule powers pursuant to Sec. 3, Art. XVIII of the Constitution of the State of Ohio, O.R.C. 721.03, and applicable case law, specifically *Hugger v. Ironton*, 83 Ohio App. 21 (4th Dist., 1947) and *Babin v. Ashland*, 160 Ohio St. 328 (1953).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the parcel described in the Purchase and Sale Agreement which is attached hereto and incorporated herein by reference as **Exhibit A** is hereby declared to be surplus property.

Section 2. That the Mayor is hereby authorized to enter into said Purchase and Sale Agreement and to take all action necessary to transfer the real property described in **Exhibit A** to the Board of Commissioners of Clinton County, Ohio.

Section 3. That this ordinance is hereby declared to be an emergency measure the passage of which is necessary for the health, safety and welfare of the citizens of the city in that the County has set aside and made provision for the financing for this transaction and said funds must be committed by the year.

Passed this _____ day of _____, 2010

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2010.

Mayor

EXHIBIT A
PURCHASE AND SALE AGREEMENT

The City of Wilmington, Ohio, an Ohio municipal corporation (the "City"), by and through its duly authorized agent hereby enters into this agreement with the Clinton County Board of Commissioners, Clinton County, Ohio, (the "County"), by and through its duly authorized agent, for the purchase and sale of a parcel of real property more particularly described as follows:

[INSERT LEGAL DESCRIPTION].

which said parcel is TWENTY-TWO acres, more or less, and shall hereinafter be referred to as the "Fairground Parking Area."

1. The City agrees to sell to the County the Fairground Parking Area and in exchange the County covenants to pay the City the sum of \$200,000.00 (Two Hundred Thousand Dollars). In exchange for the mutual promises and covenants contained herein, the City covenants to sign and deliver to the County a limited warranty deed for said parcel. The County shall make payment to the City upon the delivery of the deed to the County or within thirty (30) days thereafter.

2. This agreement shall be performed and this transaction shall be closed, on or before December 31, 2010, at the City of Wilmington Mayor's Office, 69 N. South Street, Wilmington, Ohio or at some other time or location mutually agreeable to the parties hereto.

3. The City of Wilmington shall be entitled to reasonable use of the Fairgrounds Parking for purposes necessary to carry out the City's duties and responsibilities under the terms of a Clean Ohio Revitalization Grant made by the State of Ohio to the City for remediation of a larger parcel (the "Textron Parcel") from which the Fairgrounds Parking has been subdivided. The City's use shall not interfere with the County's use of the Fairground parking during the 2011 Clinton County Fair. It is expected that the City's remediation activities under the Clean Ohio Revitalization Grant will be completed in August of 2011.

4. The deed shall contain restrictive clauses required by the Clean Ohio Revitalization Grant funded Voluntary Action Program related to the Textron parcel. The deed to the Fairgrounds Parking parcel will contain restrictions for commercial/industrial use only and a prohibition on the use of groundwater.

5. This agreement shall be binding upon the parties, their respective successors and assigns.

Board of Commissioners, Clinton County, Ohio

Date

TITLE:

City of Wilmington, Ohio,
an Ohio municipal corporation

Date

By: David L. Raizk
Its: Mayor

ORDINANCE NO. _____

MAKING SUPPLEMENTAL APPROPRIATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,
STATE OF OHIO:

Section 1. That in addition to the sums heretofore appropriated,
certain sums be and the same hereby are, appropriated as follows:

- a. From the Utility Billing Credit Card Fund to 113.110.5239
“Credit Card Fees” the sum of \$10.00
- b. From the Honeywell Project Fund to 115.110.5911 “Project
Expenses” the sum of \$229.41

Section 2. That this ordinance is hereby declared to be an emergency
measure necessary to the immediate preservation of the public health, safety
and welfare, and accordingly, shall be in full force and effect immediately upon
its passage.

Passed this _____ day of _____, 2010.

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2010.

Mayor

ORDINANCE NO. _____

MAKING MISCELLANEOUS TRANSFERS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,
STATE OF OHIO:

Section 1. That from the sum heretofore appropriated, the following sums be, and the same hereby are, transferred for current expenses and other expenditures as follows:

- a. From Account 670.370.5111 "Landfill Salaries" to Account 670.370.5123 "Benefit Insurance" the sum of \$6,600.00
- b. From Account 635.360.5111 "Sewer Salaries" to Account 670.360.5123 "Benefit Insurance" the sum of \$15,600.00
- c. From Account 605.350.5214 "Water Sludge Disposal" to Account 605.350.5123 "Benefit Insurance" the sum of \$18,500.00
- d. From Account 540.430.5111 "Recreation Salaries" to 540.430.5123 "Benefit Insurance" the sum of \$1,100.00
- e. From Account 510.211.5111 "Police Salaries" to Account 510.211.5123 "Benefit Insurance" the sum of \$7,700.00
- f. From Account 211.390.5111 "Taxi Driver Salaries" to Account 211.390.5123 "Benefit Insurance" the sum of \$2,300.00
- g. From Account 110.210.5513 "Dispatch Capital Equipment" to Account 110.211.5123 "Benefit Insurance" the sum of \$3,100.00
- h. From Account 110.157.5111 "Municipal Court Clerk Salaries" to 110.150.5123 "Benefit Insurance" the sum of \$1,800.00
- i. From Account 110.120.5111 "General Fund Admin Salaries" to Account 110.120.5123 "Benefit Insurance" the sum of \$17,000.00
- j. From Account 540.430.5111 "Recreation Salaries" to Account 540.430.5128 "Bureau of Employment Services" the sum of \$5,278.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this _____ day of _____, 2010.

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2010.

Mayor

ORDINANCE NO. _____

MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WILMINGTON, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO, THAT TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WILMINGTON, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011, THE FOLLOWING SUMS BE AND THEY ARE HEREBY SET ASIDE AND APPROPRIATED AS FOLLOWS:

SECTION 1. THAT THESE BE APPROPRIATED FROM THE GENERAL FUND:

COUNCIL		
110.111.5111	COUNCIL SALARIES	30,240.00
110.111.5410	COUNCIL INCIDENTALS	<u>6,000.00</u>
	TOTAL	<u>36,240.00</u>
MAYOR		
110.121.5111	MAYOR'S SALARY	20,900.00
110.121.5410	MAYOR'S INCIDENTALS	<u>12,000.00</u>
	TOTAL	<u>32,900.00</u>
AUDITOR		
110.131.5111	AUDITOR OFFICE SALARIES	176,648.00
110.131.5231	ACCOUNTING AND AUDITING	45,000.00
110.131.5235	EMS BILLING EXPENSES	44,625.00
110.131.5236	EMS BILLING REFUNDS	100.00
110.131.5237	AUDITOR DATA PROCESSING	8,000.00
110.131.5242	TRAVEL AND TRANSPORTATION	0.00
110.131.5410	AUDITOR INCIDENTALS	6,000.00
110.131.5512	CAPITAL EQUIPMENT	<u>0.00</u>
	TOTAL	<u>280,373.00</u>
110.133.5111	TREASURER SALARY	10,500.00
110.133.5235	TREASURER CONSULTANT SERVICES	11,000.00
110.133.5410	TREASURER INCIDENTALS	<u>2,000.00</u>
	TOTAL	<u>23,500.00</u>
SOLICITOR		
110.181.5111	DIRECTOR OF LAW SALARIES	140,369.12
110.181.5112	VICTIM/WITNESS SALARY - GRANT	8,276.99
110.181.5128	BUREAU OF EMPLOYMENT SERVICES	19,240.00
110.181.5213	SUPPLIES - GRANT	330.00
110.181.5214	PRINTING - GRANT	351.00
110.181.5215	TRAINING - GRANT	1,387.00
110.181.5216	EQUIPMENT - GRANT	0.00
110.181.5235	CONSULTANT SERVICES	3,000.00
110.181.5236	COURT COSTS	300.00
110.181.5241	EDUCATION AND TRAINING FEES	800.00
110.181.5251	PUBLICATIONS	2,500.00
110.181.5410	INCIDENTALS	7,000.00
110.181.5512	CAPITAL EQUIPMENT	<u>0.00</u>
	TOTAL	<u>183,554.11</u>
110.132.5111	INCOME TAX SALARIES	161,319.00
110.132.5237	INCOME TAX DATA PROCESSING	1,500.00
110.132.5321	INCOME TAX SUPPLIES	8,000.00
110.132.5410	INCOME TAX INCIDENTALS	5,000.00
110.132.5490	INCOME TAX REFUNDS	35,000.00
110.132.5512	CAPITAL EQUIPMENT	0.00
110.132.5514	COMPUTER EQUIPMENT	<u>0.00</u>
	TOTAL	<u>210,819.00</u>
ZONING		
110.141.5111	ZONING CLERK SALARY	0.00
110.141.5232	ARCHITECTUAL & ENGINEERING	0.00
110.141.5410	ZONING CLERK INCIDENTAL	<u>0.00</u>
	TOTAL	<u>0.00</u>

CIVIL SERVICE		
110.161.5111	CLERK SALARY - CIVIL SERVICE	910.00
110.161.5239	OTHER PROFESSIONAL SERVICES	1,000.00
110.161.5410	INCIDENTALS	<u>12,000.00</u>

TOTAL		<u>13,910.00</u>
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MUNICIPAL COURT

110.150.5121	PENSIONS	88,535.00
110.150.5122	WORKERS COMP	15,885.00
110.150.5123	BENEFIT INSURANCE	191,096.00
110.150.5124	MEDICARE	9,170.00
110.150.5128	BUREAU OF EMPLOYMENT SERVICES	0.00
110.150.5234	APPOINTED COUNSEL	4,000.00
110.150.5239	PROFESSIONAL SERVICES	7,000.00
110.150.5242	TRAVEL AND TRANSPORTATION	5,000.00
110.150.5264	JURY AND WITNESS FEES	1,000.00
110.150.5269	OTHER SERVICES	0.00
110.150.5272	EQUIPMENT MAINTENANCE	15,500.00
110.150.5274	VEHICLE MAINTENANCE	5,000.00
110.150.5321	SUPPLIES	35,000.00
110.150.5410	INCIDENTALS	3,500.00
110.150.5440	PETTY CASH	175.00
110.151.5111	SALARY - JUDGE	63,250.00
110.152.5111	SALARY - CLERK	53,450.53
110.153.5111	SALARY - ACTING JUDGE	10,695.00
110.154.5111	SALARY - ACTING CLERK	5,000.00
110.155.5111	SALARY - BAILIFF	36,168.49
110.156.5111	SALARY - PROBATION OFFICER	72,620.34
110.157.5111	SALARY - DEPUTY CLERKS	240,104.00
110.158.551	SALARY - JANITORIAL	7,500.00
110.159.5111	SALARY - ASSISTANT BAILIFF	35,999.13
110.160.5111	SALARY - ASST. BAILIFF II	32,172.58
110.160.5112	SALARY-PT BAILIFF	<u>1,500.00</u>

TOTAL		<u>939,321.07</u>
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GENERAL ADMINISTRATION

110.120.5111	ADMINISTRATIVE SALARIES	539,440.00
110.120.5121	PENSIONS	152,758.00
110.120.5122	WORKERS COMP	29,290.00
110.120.5123	BENEFIT INSURANCE	330,692.00
110.120.5124	MEDICARE	15,822.00
110.120.5128	BUR. OF EMPLOYMENT SERVICES	19,500.00
110.120.5211	POSTAGE AND SUPPLIES	70,000.00
110.120.5212	UTILITIES	110,000.00
110.120.5213	NBT-NOTE/HONEYWELL	90,107.00
110.120.5218	ENGINEERING CONTRACTS	7,500.00
110.120.5233	COURT APPOINTED COUNSEL	20,000.00
110.120.5234	CONSULTANT SERVICES-BLDG INSPECT	12,000.00
110.120.5235	CONSULTANT SERVICES	100,000.00
110.120.5236	ADMIN DIRECT DEDUCTIONS	60,000.00
110.120.5237	DATA PROCESSING/ EQUIP MAINT.	0.00
110.120.5238	MEMBERSHIP FEES AND DUES	1,780.00
110.120.5239	PROFESSIONAL SERVICES - INDIG. BURIAL	0.00
110.120.5241	EDUCATION AND TRAINING FEES	0.00
110.120.5243	COLLEGE REIMBURSEMENT	0.00
110.120.5253	UPDATE CODIFIED ORDINANCES	5,500.00
110.120.5254	LEGAL ADVERTISING	40,000.00
110.120.5255	COMPREHENSIVE LAND USE PLAN UPDATE	0.00
110.120.5263	LAW LIBRARY	50,200.00
110.120.5265	PROPERTY TAXES	29,500.00
110.120.5266	REGIONAL PLANNING COMMISSION	15,000.00
110.120.5267	DOWNTOWN REVITALIZATION	0.00
110.120.5268	CL CO EMA PAYMENT	11,921.00
110.120.5269	DOWNTOWN OHIO INC	2,000.00
110.120.5270	MAIN STREET PROGRAM	25,000.00
110.120.5271	FACILITY MAINTENANCE	110,000.00
110.120.5274	ADMIN VEHICLE MAINTENANCE	2,000.00

GENERAL ADMINISTRATION (CONTINUED)

110.120.5276	TIER II - CDBG	400,000.00
110.120.5277	TIER II MATCH	34,397.00
110.120.5280	ADVANCES TO FLEXBANK	0.00
110.120.5281	FLEXBANK FEES	2,808.00
110.120.5282	PROPERTY CASUALTY INSURANCE	240,000.00
110.120.5283	PROPERTY/ CASUALTY RESERVE	40,000.00
110.120.5284	WORKERS COMP - COMP MANAGEMENT	3,500.00
110.120.5288	RPC PLANNING	0.00
110.120.5291	PUBLIC RECORDS	1,000.00
110.120.5336	CONSULTANT-PROSPECT DATA	25,000.00
110.120.5337	PUBLIC SAFETY SOFTWARE SUPPORT	25,600.00
110.120.5338	PUBLIC SAFETY NETWORK MAINT	0.00
110.120.5339	PUBLIC SAFETY NETWORK EXPENSES	3,000.00
110.120.5340	PUBLIC SAFETY - SERVER UPDATE	0.00
110.120.5512	ADMIN CAPITAL EQUIPMENT	0.00
110.120.5513	PUBLIC SAFETY NETWORK CAPITAL	0.00
110.120.5911	TRANSFER TO BOND RETIREMENT	558,642.50
110.120.5912	TRANSFER TO TAXI FUND	192,295.00
110.120.5913	TRANSFER RECREATION FUND	91,050.00
110.120.5914	TRANSFER TO POLICE FUND	2,013,575.00
110.120.5915	TRANSFER TO FIRE FUND	657,342.00
110.120.5916	TRANSFER TO EMERGENCY AMB	357,015.00
110.120.5917	TRANSFER TO M & R FUND	492,410.00
110.120.5918	TRANSFER TO STREET LIGHTING	2,000.00
110.120.5919	TRANSFER TO POLICE PENSION	187,603.00
110.120.5920	TRANSFER TO FIRE PENSION	148,740.00
110.120.5921	TRANSFER TO DRUG LAW ENFORCE.	0.00
110.120.5922	TRANSFER TO HOTEL LODGING TAX	72,099.00
110.120.5923	TRANSFER TO RECYCLING FUND	0.00
110.121.5111	GREEN ENTERPRISE ZONE ADMIN	1,200.00
110.122.5215	DEMOLITION COSTS	0.00
110.122.5235	BLDG DEPT CONSULTANT SERV	5,000.00
110.122.5410	BUILDING INSPECTOR INCIDENTALS	2,500.00
110.123.5322	TREE MAINTENANCE PROGRAM	2,000.00
110.123.5410	SERVICE DIRECTOR INCIDENTALS	5,000.00
110.123.5512	SERVICE DIRECTOR CAPITAL EQUIPMENT	0.00
110.124.5111	DESIGN REVIEW BOARD CLERK	1,200.00
110.124.5410	DESIGN REVIEW BOARD EXPENSES	0.00
110.126.5271	FACILITY MAINTENANCE - STUCKEY FARM	0.00
110.126.5272	FACILITY MAINT - YOUTH CENTER	2,000.00
110.127.5323	ENGINEERING TECHNICAL SUPPLIES	2,000.00
110.127.5511	ENGINEERING CAPITAL EQUIPMENT	0.00
110.128.5410	PURCHASING AGENT INCIDENTALS	100.00
110.129.5242	SAFETY DIRECTOR TRAINING/TRAVEL	0.00
110.129.5410	SAFETY DIRECTOR INCIDENTALS	0.00
110.129.5512	SAFETY DIRECTOR CAPITAL EQUIPMENT	0.00
110.134.5241	HR EDUCATION & TRAINING	3,000.00
110.134.5410	HR INCIDENTALS	<u>3,000.00</u>

TOTAL 7,425,086.50

SAFETY

110.210.5111	SAFETY SALARIES (DISPATCH)	350,000.00
110.210.5121	PENSIONS	49,000.00
110.210.5123	BENEFIT INSURANCE	104,688.00
110.210.5124	MEDICARE	5,075.00
110.210.5213	COMMUNICATIONS CONTRACTS	22,000.00
110.210.5241	EDUCATION AND TRAINING FEES	1,500.00
110.210.5243	COLLEGE REIMBURSEMENT	0.00
110.210.5273	RADIO MAINTENANCE	6,500.00
110.210.5275	SIREN MAINTENANCE	6,500.00
110.210.5277	LEASE - RECORDER	12,500.00
110.210.5321	OFFICE SUPPLIES	4,000.00
110.210.5342	UNIFORMS	0.00
110.210.5410	INCIDENTALS	2,250.00
110.210.5513	COMMUNICATIONS CAPITAL EQUIP.	<u>30,000.00</u>

TOTAL 594,013.00

GENERAL FUND TOTALS 9,739,716.68

SECTION 2. THAT THERE BE APPROPRIATED FROM THE INCOME TAX CREDIT CARD BILLING FUND:

112.110.5239	CREDIT CARD FEES	1,000.00
	TOTAL	<u>1,000.00</u>

SECTION 3. THAT THERE BE APPROPRIATED FROM THE UTILITY BILLING CREDIT CARD BILLING FUND:

113.350.5239	CREDIT CARD FEES	4,500.00
	TOTAL	<u>4,500.00</u>

SECTION 4. THAT THERE BE APPROPRIATED FROM THE FEMA FUND:

114.110.5911	TRANSFER FUNDS	0.00
	TOTAL	<u>0.00</u>

SECTION 5. THAT THERE BE APPROPRIATED FROM THE HONEYWELL PROJECT FUND:

115.110.5911	PROJECT EXPENSES	0.00
	TOTAL	<u>0.00</u>

SECTION 6. THAT THERE BE APPROPRIATED FROM THE SAFE ROUTES TO SCHOOL FUND:

116.110.5911	PROJECT EXPENSES	270,000.00
	TOTAL	<u>270,000.00</u>

SECTION 7. THAT THERE BE APPROPRIATED FROM THE G.O. FIRE/MUN BLDG BOND FUND:

120.110.5850	INTEREST PAYMENT	209,117.50
120.110.5850	PRINCIPAL PAYMENT	350,000.00
	TOTAL	<u>559,117.50</u>

SECTION 8. THAT THERE BE APPROPRIATED FROM THE ECONOMIC DEVELOPMENT FUND:

125.110.5411	BUSINESS DEVELOPMENT EXPENSES	232,977.58
	TOTAL	<u>232,977.58</u>

SECTION 9. THAT THERE BE APPROPRIATED FROM THE STREET MAINTENANCE AND REPAIR FUND:

200.330.5111	M & R SALARIES	501,688.67
200.330.5121	PENSIONS	70,237.00
200.330.5122	WORKERS COMPENSATION	14,426.00
200.330.5123	BENEFIT INSURANCE	171,164.00
200.330.5124	MEDICARE	7,275.00
200.330.5128	BUREAU OF EMPLOYMENT SERVICES	0.00
200.330.5212	UTILITIES	45,000.00
200.330.5241	EDUCATION & TRAINING	1,000.00
200.330.5271	FACILITY MAINTANENCE	5,000.00
200.330.5274	VEHICLE EXPENSE	75,000.00
200.330.5277	LEASE - BACKHOE	13,891.23
200.330.5321	SUPPLIES	25,000.00
200.330.5331	TOOL & MISC SHOP SUPPLIES	2,000.00
200.330.5342	UNIFORMS	11,000.00
200.330.5410	INCIDENTALS	400.00
200.330.5512	CAPITAL EQUIPMENT	0.00
	TOTAL	<u>943,081.90</u>

SECTION 10. THAT THERE BE APPROPRIATED FROM THE STATE HIGHWAY FUND:

201.330.5214	STREET LIGHTS	11,000.00
201.330.5276	STREET IMPROVEMENTS	50,000.00
201.330.5541	STREET SUPPLIES AND MATERIALS	35,000.00
	TOTAL	<u>96,000.00</u>

SECTION 11. THAT THERE BE APPROPRIATED FROM THE PERMISSIVE TAX FUND:

210.330.5276	STREET MAINTENANCE	100,000.00
210.330.5277	PRAIRIE AVE MATCH	61,513.00
210.330.5278	LOCUST STREET MATCH	50,000.00
210.330.5960	TRANSFER TO BOND RETIREMENT	218,142.50
	TOTAL	<u>429,655.50</u>

SECTION 12. THAT THERE BE APPROPRIATED FROM THE PUBLIC TRANSIT FUND:

211.390.5111	SALARIES - DRIVERS	510,471.00
211.390.5112	SALARIES - DISPATCH/MAINTENANCE	108,607.00
211.390.5113	SALARIES - ADMINISTRATION	177,487.00
211.390.5121	PENSIONS	111,976.00
211.390.5122	WORKERS COMP	20,580.00
211.390.5123	BENEFIT INSURANCE	80,132.00
211.390.5123	MEDICARE	11,551.00
211.390.5128	BUR OF JOB & FAMILY SERVICES	0.00
211.390.5212	UTILITIES	39,000.00
211.390.5234	PROFESSIONAL & TECHNICAL SERVICES	20,000.00
211.390.5241	TRAVEL AND TRANSPORTATION	500.00
211.390.5254	ADVERTISING/ PROMOTION MEDIA	4,000.00
211.390.5274	VEHICLE CONTRACTS AND SERVICES	76,567.00
211.390.5317	VEHICLE FUEL	144,771.00
211.390.5321	OTHER MATERIALS AND SUPPLIES	30,000.00
211.390.5342	UNIFORMS	16,605.00
211.390.5410	INCIDENTALS AND OTHER MISC EXPENSE	3,000.00
211.390.5521	CAPITAL VEHICLE	<u>132,947.00</u>
TOTAL		<u>1,488,194.00</u>

SECTION 13. THAT THERE BE APPROPRIATED FROM THE STREET LIGHTING FUND:

220.340.5212	STREET LIGHTING UTILITIES	195,000.00
220.340.5236	DIRECT DEDUCTIONS	10,200.00
220.340.5545	STREET LIGHTS	<u>0.00</u>
TOTAL		<u>205,200.00</u>

SECTION 14. THAT THERE BE APPROPRIATED FROM THE ARRA-MAIN/LOCUST #101006 FUND:

221.330.5416	PROGRAM EXPENSES	<u>979,766.14</u>
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SECTION 15. THAT THERE BE APPROPRIATED FROM THE ARRA-N.SOUTH/XENIA #101043 FUND:

222.330.5416	PROGRAM EXPENSES	<u>179,151.36</u>
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SECTION 16. THAT THERE BE APPROPRIATED FROM THE INSURANCE FUND:

231.110.5213	INSURANCE DEDUCTIBLES	<u>2,760,000.00</u>
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SECTION 17. THAT THERE BE APPROPRIATED FROM THE BENOVIATION FUND:

233.231.5911	DEDUCTIBLE TRANSFERS	<u>2,760,000.00</u>
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SECTION 18. THAT THERE BE APPROPRIATED FROM THE OPWC-NELSON AVE. PROJECT FUND:

235.740.5911	OPWC PAYMENTS	<u>86,395.95</u>
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SECTION 19. THAT THERE BE APPROPRIATED FROM THE OPWC-PRAIRIE ROAD PROJECT FUND:

236.740.5911	OPWC PAYMENTS	<u>269,725.00</u>
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SECTION 20. THAT THERE BE APPROPRIATED FROM OHIO BRD OF BLDG STANDARDS FUND:

240.122.5491	OHIO BOARD OF BUILDING STANDARDS PA	<u>700.00</u>
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SECTION 21. THAT THERE BE APPROPRIATED FROM THE HUD FUND:

241.720.5410	INCIDENTALS	<u>0.00</u>
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SECTION 22. THAT THERE BE APPROPRIATED FROM THE UDAG FUND:

TOTAL		<u>0.00</u>
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SECTION 23. THAT THERE BE APPROPRIATED FROM THE DOWNTOWN REVITILIZATION FUND:

TOTAL		<u>0.00</u>
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SECTION 24. THAT THERE BE APPROPRIATED FROM THE CHIP PROGRAM INCOME FUND:

251.740.5416	PROGRAM EXPENSES	<u>1,500.00</u>
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SECTION 25. THAT THERE BE APPROPRIATED FROM THE 2010 CHIP GRANT FUND:

252.740.5416	FY2010 CHIP-GRANT #A-C-10-2EP-1	150,000.00
252.740.5417	FY2010 CHIP-HOME-GRANT #A-C-10-2EP-2	<u>350,000.00</u>
TOTAL		<u>500,000.00</u>

SECTION 26. THAT THERE BE APPROPRIATED FROM THE CDBG FY 2008 FUND:

261.740.5416	CDBG 2008 PAYMENTS	<u>41,900.00</u>
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SECTION 27. THAT THERE BE APPROPRIATED FROM THE CDBG FY 2009 FUND:

262.740.5416

CDBG 2009 PAYMENTS

43,050.00

SECTION 28. THAT THERE BE APPROPRIATED FROM MUNICIPAL COURT COMPUTERIZATION FUND:

270.150.5111	SALARIES	13,922.40
270.150.5233	LEASE AGREEMENTS	7,000.00
270.150.5321	SUPPLIES	17,000.00
270.150.5322	COMPUTER SOFTWARE	18,000.00
270.150.5410	INCIDENTALS	3,000.00
270.150.5512	COMPUTER HARDWARE	15,000.00
TOTAL		<u>73,922.40</u>

SECTION 29. THAT THERE BE APPROPRIATED FROM THE PROBATION SERVICES FUND:

271.151.5269	MISC. SERVICES-MUNICIPAL PROBATION	71,000.00
271.151.5410	INCIDENTALS	8,000.00
271.151.5511	NON-CAPITAL EQUIPMENT	10,000.00
271.151.5512	CAPITAL EQUIPMENT	1,500.00
TOTAL		<u>90,500.00</u>

SECTION 30. THAT THERE BE APPROPRIATED FROM THE MUNICIPAL COURT MAGISTRATE'S FUND:

272.150.5111	MAGISTRATE'S SALARY	60,000.00
272.150.5242	TRAVEL/TRANSPORTATION/EDUCATION	1,500.00
275.150.5410	INCIDENTALS	15,000.00
272.150.5512	EQUIPMENT	2,000.00
TOTAL		<u>78,500.00</u>

SECTION 31. THAT THERE BE APPROPRIATED FROM THE MUNICIPAL COURT COMMUNITY SERVICE FUND :

273.150.5269	MISC. SERVICES	5,000.00
273.150.5321	SUPPLIES	10,000.00
		<u>15,000.00</u>

SECTION 32. THAT THERE BE APPROPRIATED FROM THE ENFORCEMENT AND EDUCATION FUND:

280.216.5419	ENFORCEMENT/ EDUCATION	21,000.00
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SECTION 33. THAT THERE BE APPROPRIATED FROM THE DRUG LAW ENFORCEMENT FUND:

281.215.5990	DRUG LAW ENFORCEMENT	15,000.00
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SECTION 34. THAT THERE BE APPROPRIATED FROM INDIGENT DRIVER ALCHOL TREATMENT FUND:

283.213.5269	MISC SERVICES-INDIG DRIVER ALCOHOL TREA1	8,000.00
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SECTION 35. THAT THERE BE APPROPRIATED FROM INDIGENT DEFENSE SUPPORT FUND:

284.150.5269	MISC SERVICES	0.00
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SECTION 36. THAT THERE BE APPROPRIATED FROM SCRAM FUND:

285.150.5269	MISC SERVICES - SCRAM FUND	1,000.00
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SECTION 37. THAT THERE BE APPROPRIATED FROM COURT SPECIAL PROJECTS FUND:

286.150.5269	MISC SERVICES-COURT SPECIAL PROJECTS	13,000.00
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SECTION 38. THAT THERE BE APPROPRIATED FROM COMMUNITY CORRECTIONS FUND:

287.150.5111	SALARIES	23,920.00
287.150.5121	PENSIONS	3,349.00
287.150.5122	WORKERS COMP	537.00
287.150.5124	MEDICARE	347.00
287.150.5413	SERVICE EXPENSES	0.00
287.150.5414	OPERATING EXPENSES	4,796.00
287.150.5415	PROGRAM EXPENSES	26,247.00
287.150.5512	CAPITAL EQUIPMENT	0.00
287.150.5515	EQUIPMENT	0.00
287.150.5990	ST OHIO 2009/10 REFUND	0.00
TOTAL		<u>59,196.00</u>

SECTION 39. THAT THERE BE APPROPRIATED FROM THE PARKS IMPROVEMENT FUND:

290.420.5533 IMPROVEMENTS - PARKS 4,128.60

SECTION 40. THAT THERE BE APPROPRIATED FROM THE HOTEL LODGING EXCISE TAX FUND:

291.110.5269 CONVENTION AND VISITOR'S BUREAU 72,099.00

SECTION 41. THAT THERE BE APPROPRIATED FROM THE BOND RETIREMENT FUND:

400.810.5811 BOND PRINCIPAL GO 352,500.00
400.810.5812 BOND PRINCIPAL - REVENUE 0.00
400.810.5821 NOTE PRINCIPAL G.O. 1,215,000.00
400.810.5822 NOTE PRINCIPAL REV 0.00
400.810.5831 INTEREST ON NOTES 35,850.00
400.810.5832 INTEREST ON BONDS 206,142.50

TOTAL 1,809,492.50

SECTION 42. THAT THERE BE APPROPRIATED FROM THE POLICE FUND:

510.211.5111 POLICE SALARIES 1,470,674.04
510.211.5121 POLICE PERS 12,315.00
510.211.5122 WORKERS COMPENSATION 33,425.00
510.211.5123 BENEFIT INSURANCE 355,617.00
510.211.5124 MEDICARE 20,000.00
510.211.5126 UNIFORM MAINTENANCE 9,200.00
510.211.5128 BUR OF EMPLOYMENT SERVICES 0.00
510.211.5215 MAINTENANCE CONTRACTS 33,000.00
510.211.5224 JAIL & WORKHOUSE 199,052.00
510.211.5236 DIRECT DEDUCTIONS 15,500.00
510.211.5237 DATA PROCESSING SERVICES 0.00
510.211.5241 EDUCATION AND TRAINING FEES 10,000.00
510.211.5243 COLLEGE REIMBURSEMENT 0.00
510.211.5251 SUBSCRIPTIONS, PUBLICATIONS 3,000.00
510.211.5272 EQUIPMENT MAINTENANCE 1,500.00
510.211.5271 FACILITY MAINTENANCE 4,000.00
510.211.5273 RADIO MAINTENANCE 1,200.00
510.211.5274 VEHICLE MAINTENANCE 87,500.00
510.211.5275 INVESTIGATION FEES 500.00
510.211.5321 SUPPLIES 4,500.00
510.211.5327 DRUG,CRIME PREVENTION MATERIAL 2,500.00
510.211.5338 EQUIPMENT PARTS AND SUPPLIES 15,000.00
510.211.5342 UNIFORMS 12,500.00
510.211.5344 FIREARMS & AMMO 10,000.00
510.211.5410 INCIDENTALS 13,000.00
510.211.5414 IMPOUND COSTS 5,000.00
510.211.5512 CAPITAL EQUIPMENT 5,500.00
510.211.5521 MOTOR VEHICLES 25,000.00

TOTAL 2,349,483.04

SECTION 43. THAT THERE BE APPROPRIATED FROM THE FEDERALLY FORFEITED FUNDS FUND:

511.211.5211 PROGRAM EXPENSES 92,050.00

TOTAL 92,050.00

SECTION 44. THAT THERE BE APPROPRIATED FROM THE FOP CONTINUING PROFESSIONAL EDUCATION FUND :

512.211.5211 PROGRAM EXPENSES 6,580.00

TOTAL 6,580.00

SECTION 45. THAT THERE BE APPROPRIATED FROM THE POLICE EVIDENCE FUND:

513.211.5211 PROGRAM EXPENSES 18,500.00

TOTAL 18,500.00

SECTION 46. THAT THERE BE APPROPRIATED FROM THE POLICE PENSION FUND:

515.211.5121 POLICE PENSION 269,629.00
515.211.5236 DIRECT DEDUCTIONS 4,260.00

TOTAL 273,889.00

SECTION 47. THAT THERE BE APPROPRIATED FROM THE ARRA-FY09 RECOVERY JUSTICE ASST FUND:

517.211.5416 PROGRAM EXPENSES 21,352.00

TOTAL 21,352.00

SECTION 48. THAT THERE BE APPROPRIATED FROM THE OFFICE OF JUSTICE PROGRAM FY10 GRANT FL

518.211.5416	PROGRAM EXPENSES	<u>140,000.00</u>
	TOTAL	<u>140,000.00</u>

SECTION 49. THAT THERE BE APPROPRIATED FROM THE FIRE FUND:

520.221.5111	FIRE SALARIES	469,101.06
520.221.5121	FIRE PERS	0.00
520.221.5122	WORKERS COMPENSATION	20,150.00
520.221.5123	BENEFIT INSURANCE	299,601.00
520.221.5124	MEDICARE/FICA	11,700.00
520.221.5126	UNIFORM MAINTENANCE	6,800.00
520.221.5127	DEPENDANTS	300.00
520.221.5128	BUREAU OF EMPLOYMENT SERVICES	3,598.00
520.221.5212	UTILITIES	60,000.00
520.221.5236	DIRECT DEDUCTIONS	15,000.00
520.221.5241	EDUCATION AND TRAINING FEES	2,500.00
520.221.5243	COLLEGE REIMBURSEMENT	0.00
520.221.5271	FACILITY MAINTENANCE	18,000.00
520.221.5272	EQUIPMENT MAINTENANCE	6,000.00
520.221.5273	RADIO MAINTENANCE	2,500.00
520.221.5274	VEHICLE MAINTENANCE	40,000.00
520.221.5342	UNIFORMS	10,000.00
520.221.5344	EMERGENCY SHELTER SUPPLIES	0.00
520.221.5536	STATION EQUIPMENT	0.00
520.221.5410	INCIDENTALS	15,000.00
520.221.5539	STATION IMPROVEMENTS	<u>0.00</u>
	TOTAL	<u>980,250.06</u>

SECTION 50. THAT THERE BE APPROPRIATED FROM THE USDA LOANIGRANT FUND:

522.211.5549	USDA PROJECT EXPENSES	0.00
522.211.5550	USDA PAYMENT	<u>78,062.50</u>
	TOTAL	<u>78,062.50</u>

SECTION 51. THAT THERE BE APPROPRIATED FROM THE FIRE PENSION FUND:

525.221.5121	FIRE PENSION	230,725.00
525.221.5236	DIRECT DEDUCTIONS	<u>4,300.00</u>
	TOTAL	<u>235,025.00</u>

SECTION 52. THAT THERE BE APPROPRIATED FROM THE EMERGENCY AMBULANCE FUND:

530.212.5111	SALARIES	492,201.91
530.212.5236	DIRECT DEDUCTIONS	11,100.00
530.212.5241	EDUCATION AND TRAINING	6,000.00
530.212.5272	EQUIPMENT MAINTENANCE	10,000.00
530.212.5274	VEHICLE MAINTENANCE	50,000.00
530.212.5410	INCIDENTALS	<u>13,000.00</u>
	TOTAL	<u>582,301.91</u>

SECTION 53. THAT THERE BE APPROPRIATED FROM THE FIRE/ EMERGENCY AMBULANCE FUND:

535.214.5212	UTILITIES	0.00
535.214.5225	LEASE PAYMENT	57,134.87
535.214.5236	DIRECT DEDUCTIONS	9,500.00
535.214.5265	TAXES	400.00
535.214.5323	VEHICLE EQUIPMENT	0.00
535.214.5512	CAPITAL EQUIPMENT	0.00
535.214.5514	USDA BOND PAYMENT	78,062.50
535.214.5590	STATION REPAIR	<u>0.00</u>
	TOTAL	<u>145,097.37</u>

SECTION 54. THAT THERE BE APPROPRIATED FROM THE RECREATION FUND:

540.430.5111	RECREATION SALARIES	198,258.00
540.430.5121	PENSIONS	27,757.00
540.430.5122	WORKERS COMPENSATION	5,523.00
540.430.5123	BENEFIT INSURANCE	61,484.00
540.430.5124	MEDICARE	2,875.00
540.430.5128	BUREAU OF EMPLOYMENT SERVICES	27,560.00
540.430.5212	UTILITIES	29,000.00
540.430.5225	EQUIPMENT LEASE	10,500.00
540.430.5234	TRAIL MAINTENANCE	0.00
540.430.5236	DIRECT DEDUCTIONS	15,900.00
540.430.5239	PROFESSIONAL SERVICES	6,000.00
540.430.5241	EDUCATION AND TRAINING	500.00
540.430.5265	PROPERTY TAXES	1,650.00
540.430.5274	VEHICLE MAINTENANCE	10,000.00
540.430.5316	AWARDS	3,000.00
540.430.5321	SUPPLIES	100.00
540.430.5332	RECREATION EQUIPMENT	5,000.00
540.430.5333	PARK MAINTENANCE SUPPLIES	30,000.00
540.430.5334	DIAMOND REPAIR SUPPLIES	0.00
540.430.5338	CHEMICALS	0.00
540.430.5342	UNIFORMS	0.00
540.430.5410	INCIDENTALS	500.00
540.430.5412	BACKGROUND CHECKS	200.00
540.430.5512	CAPITAL EQUIPMENT	0.00
540.430.5533	IMPROVEMENTS	0.00
TOTAL		<u>435,807.00</u>

SECTION 55. THAT THERE BE APPROPRIATED FROM THE WATER FUND:

605.350.5111	WATER SALARIES	713,000.00
605.350.5121	PENSIONS	99,820.00
605.350.5122	WORKERS COMPENSATION	17,500.00
605.350.5123	BENEFIT INSURANCE	274,199.00
605.350.5124	MEDICARE	10,340.00
605.350.5128	BUREAU OF EMPLOYMENT SERVICES	0.00
605.350.5130	ADMIN COST ALLOCATIONS	43,625.67
605.350.5212	UTILITIES	190,000.00
605.350.5213	NOTE-NBTI/HONEYWELL	30,038.00
605.350.5214	SLUDGE DISPOSAL	50,000.00
605.350.5217	COMMERCIAL LAB FEES	11,000.00
605.350.5218	CONTRACTUAL SERVICES	10,000.00
605.350.5221	POSTAGE	15,000.00
605.350.5226	ODNR PAYMENT	382,000.00
605.350.5232	ARCHITECTUAL AND ENGINEERING	10,000.00
605.350.5235	CONSULTANT SERVICES	10,000.00
605.350.5236	DIRECT DEDUCTIONS	250.00
605.350.5237	DATA PROCESSING SERVICES	12,000.00
605.350.5265	TAXES	2,200.00
605.350.5271	FACILITY MAINTENANCE	17,000.00
605.350.5272	EQUIPMENT MAINTENANCE	45,000.00
605.350.5273	DISTRIBUTION MAINTENANCE	32,000.00
605.350.5274	VEHICLE MAINTENANCE	15,000.00
605.350.5317	VEHICLE FUEL	15,000.00
605.350.5319	METERING	23,000.00
605.350.5321	OFFICE SUPPLIES	10,000.00
605.350.5326	SUPPLIES	10,000.00
605.350.5337	LAB SUPPLIES	15,000.00
605.350.5342	UNIFORMS	10,000.00
605.350.5410	INCIDENTALS	24,000.00
605.350.5418	WATER TREATMENT	128,000.00
605.350.5443	WATER LINE REPLACEMENT	0.00
605.350.5490	REFUNDS	12,000.00
605.350.5512	CAPITAL EQUIPMENT	35,000.00
605.350.5850	INTEREST TO BONDHOLDERS	547,805.01
605.350.5851	PRINCIPAL TO BONDHOLDERS	<u>382,500.00</u>
TOTAL		<u>3,202,277.68</u>

SECTION 56. THAT THERE BE APPROPRIATED FROM THE WATERWORKS REPLACEMENT FUND:

607.350.5910	TRANSFERS OUT	<u>235,800.00</u>
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SECTION 57. THAT THERE BE APPROPRIATED FROM THE 1ST MORTGAGE WATERWORKS SYSTEM REVENUE BOND FUND:

609.350.5850	INTEREST TO BONDHOLDERS	547,805.01
609.350.5851	PRINCIPAL PAID TO BONDHOLDERS	365,000.00
609.350.5910	TRANSFERS	<u>235.00</u>
	TOTAL	<u>913,040.01</u>

SECTION 58. THAT THERE BE APPROPRIATED FROM THE WATER SURPLUS FUND:

610.350.5910	TRANSFERS	<u>117,300.00</u>
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SECTION 59. THAT THERE BE APPROPRIATED FROM THE CAESAR CREEK PROJECT FUND:

630.350.5910	TRANSFERS OUT	<u>5,135.96</u>
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SECTION 60. THAT THERE BE APPROPRIATED FROM THE SEWER FUND:

635.360.5111	SEWER SALARIES	815,410.65
635.360.5121	PENSIONS	114,157.49
635.360.5122	WORKERS COMPENSATION	19,609.00
635.360.5123	BENEFIT INSURANCE	274,199.00
635.360.5124	MEDICARE	11,824.00
635.360.5128	BUREAU OF EMPLOYMENT SERVICES	0.00
635.360.5130	ADMIN COST ALLOCATIONS	49,442.43
635.360.5212	UTILITIES	224,000.00
635.360.5213	NOTE-NBT/HONEYWELL	6,165.00
635.360.5214	SLUDGE DISPOSAL	80,000.00
635.360.5217	COMMERCIAL LAB FEES	8,000.00
635.360.5232	ARCHITECTURAL AND ENGINEERING	25,000.00
635.360.5233	STORMWATER ENGINEERING	25,000.00
635.360.5234	CREP APPLICATION	500.00
635.360.5235	CONSULTANT SERVICES	30,000.00
635.360.5236	DIRECT DEDUCTIONS	300.00
635.360.5238	SYSTEM UPDATES	0.00
635.360.5241	EDUCATION AND TRAINING	6,000.00
635.360.5265	PROPERTY TAXES	49,650.00
635.360.5271	FACILITY MAINTENANCE	34,000.00
635.360.5272	EQUIPMENT MAINTENANCE	59,000.00
635.360.5274	VEHICLE MAINTENANCE	45,000.00
635.360.5277	FLOOD CONTROL MAINT	500.00
635.360.5278	DRAIN OPENINGS	500.00
635.360.5321	SUPPLIES	38,000.00
635.360.5326	COLLECTION SYSTEM SUPPLIES	80,000.00
635.360.5337	LABORATORY SUPPLIES	24,000.00
635.360.5338	CHEMICALS	5,000.00
635.360.5342	UNIFORMS	8,000.00
635.360.5350	STORM WATER SYSTEM SUPPLIES	40,000.00
635.360.5410	INCIDENTALS	15,200.00
635.360.5411	PRETREATMENT PROGRAM	10,000.00
635.360.5490	REFUNDS	500.00
635.360.5512	CAPITAL EQUIPMENT	5,000.00
635.360.5514	OWDA PAYMENT	93,000.00
635.360.5515	LABORATORY EQUIPMENT	2,000.00
635.360.5516	SEWER REHAB	250,000.00
635.360.5543	SEWER LINE CONSTRUCTION	0.00
635.360.5812	BOND PRINCIPAL	192,500.00
635.360.5822	BOND INTEREST	86,540.00
635.360.5911	CORF SURVEY EXPENSE	3,000.00
635.360.5911	CORF GRANT	<u>43,000.00</u>
	TOTAL	<u>2,773,997.57</u>

SECTION 61. THAT THERE BE APPROPRIATED FROM THE OWDA-SEWER PROJECT FUND:

636.360.5911	OWDA PAYMENT	<u>215,885.58</u>
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SECTION 69. THAT TO EACH OF THE FOREGOING ITEMS APPEARING IN THE PERMANENT APPROPRIATIONS FOR THE IMMEDIATELY PRECEDING FISCAL YEAR SHALL BE ADDED TO THE AMOUNTS OF ALL FUNDS APPROPRIATED IN SAID IMMEDIATELY PRECEDING FISCAL YEAR WHICH ARE ENCUMBERED BY DULY AUTHORIZED PURCHASE ORDERS AND REMAIN UNPAID JANUARY 1, 2011. SAID ADDITIONAL AMOUNTS ARE HEREBY APPROPRIATED HEREIN AS A PART OF THESE APPROPRIATIONS IN THE CASE OF EACH LINE ITEM.

SECTION 70. THE CITY AUDITOR IS HEREBY AUTHORIZED TO DRAW HIS WARRENTS ON THE CITY TREASURER FOR PAYMENTS FROM ANY OF THE FOREGOING APPROPRIATIONS UPON RECEIVING CERTIFICATES AND PURCHASE ORDER VOUCHERS THEREFORE, APPROVED BY THE BOARD OR OFFICERS AUTHORIZED BY LAW TO APPROVE THE SAME OF AN ORDINANCE OR RESOLUTION OF COUNCIL TO MAKE EXPENDITURES; PROVIDED THAT NO WARRENTS SHALL BE DRAWN OR PAID FOR SALARIES OR WAGES EXCEPT THE PERSONS EMPLOYED BY THE AUTHORITY OF AND IN ACCORDANCE WITH LAW OR ORDINANCE. PROVIDED FURTHER, THAT THE APPROPRIATIONS FOR CONTINGENCIES CAN ONLY BE EXTENDED UPON THE APPROVAL OF A TWO-THIRDS VOTE OF COUNCIL FOR ITEMS FOR EXPENSES CONSTITUTING A LEGAL OBLIGATION AGAINST THE CITY AND FOR PURPOSES OTHER THAN THOSE COVERED BY OTHER APPROPRIATIONS HEREIN MADE.

SECTION 71. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE IMMEDIATELY UPON ITS PASSAGE.

PASSED THIS _____ DAY OF DECEMBER 2010.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

APPROVED BY ME THIS _____ DAY OF DECEMBER, 2010.

MAYOR

ORDINANCE NO. _____

AUTHORIZING THE CONTINUED DEFERRAL OF THE SEWAGE SYSTEM RATE INCREASE SCHEDULED FOR JANUARY 1, 2011, FOR A PERIOD OF ONE YEAR, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Wilmington, Ohio, by Ordinance No. 4550, passed September 1, 2005, amended Chapter 923 of the codified ordinances of the City, pursuant to which, among other things, a new rate schedule for wastewater treatment or sewer access fees for users residing both within and outside the corporate limits of the City (“Sewer Rates”) was implemented; and

WHEREAS, Ordinance No. 4550 provided, among other things, that Sewer Rates would increase effective January 1, 2009 and also on January 1, 2010; and

WHEREAS, City Council deferred these rate increases for one year per Ordinance No. 4819.

WHEREAS, the users of the wastewater treatment and sewer system (“Sewerage System”) continue to face uncertain economic conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO, as follows:

SECTION 1. That the increases in Sewer Rates to be effective January 1, 2009 and January 1, 2010 pursuant to Chapter 923 of the Codified Ordinances of the City of Wilmington, particularly Part A. Ch. 923.04 and Part B. Ch. 923.05, shall be deferred such that Sewer Rates to have been effective January 1, 2009, shall instead become effective January 1, 2012, and the Sewer Rates to have become effective January 1, 2010, shall become effective instead on January 1, 2013. The result of this action shall be that Sewer Rates in 2011 shall remain the same as those that became effective January 1, 2008.

SECTION 2. That the City Auditor has reviewed the revenue projections for the City’s Sewage System for fiscal years ending December 31, 2010, and December 31, 2011, and has determined that this Council may reasonably expect the rates for services rendered by the system to be sufficient to meet the tests and requirements set forth in that Indenture of Mortgage and Security Agreement between the City and The National Bank and Trust Company, Wilmington, Ohio, dated as of February 16, 1996, recorded at Volume 0193, Page 676 of the records of the Clinton County Recorder, and securing City’s outstanding First

Mortgage Sewerage System Refunding Revenue Bonds dated February 15, 1996, and any additional bonds (if issued) on a parity therewith.

SECTION 3. That the City Auditor shall insure that the deferral of Sewer Rates shall be implemented.

SECTION 4. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this ordinance.

SECTION 5. That this Council hereby finds and determines that all formal actions of Council concerning and relating to the adoption of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were taken in meetings open to the public, in compliance with all legal requirements including, without implied limitation, Section 121.22 of the Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to cause this ordinance to be published in accordance with Section 731.21 of the Revised Code.

SECTION 7. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City for the reason that due to the uncertain economic environment the users of the Sewage System require relief from the increase in Sewer Rates that would otherwise be implemented on January 1, 2011, thereby contributing to immediate preservation of public health, safety, and welfare; wherefore this ordinance shall go into immediate effect upon its adoption.

Passed this _____ day of _____, 2010

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2010.

Mayor

RESOLUTION NO. _____

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOVDEALS, INC. TO SELL CITY SURPLUS ITEMS TO THE PUBLIC THROUGH AN ON-LINE AUCTION SERVICE AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington would like to sell personal property that is surplus, obsolete or unfit for City service using auction services available via the internet, as is permitted pursuant to O.R.C. 721.15(D); and

WHEREAS, the City of Wilmington would like to offer to the public the convenience of bidding on said City surplus items through an online auction service offered by GovDeals.com; and

WHEREAS, the Safety Committee of Council has reviewed said agreement (attached hereto and incorporated herein as "Exhibit A") and recommends that City Council authorize the Mayor to enter into the same.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the City of Wilmington intends to sell surplus and obsolete personal property or personal property that is unfit for City service (hereinafter "surplus property") by internet auction in calendar year 2011.

Section 2. That the Mayor be, and he hereby is, authorized and directed on behalf of the City to enter into the above-mentioned agreement with GovDeals, Inc. for the purpose of offering City surplus items for sale to the public through an online auction. A description of the manner of the internet auctions to be held is set forth in said agreement with GovDeals, Inc. and by other rules as posted on the GovDeals, Inc. website pertaining to said auctions.

Section 3. That the general terms of said internet auction sales shall include the following:

- 1) All City surplus property is purchased AS IS, WHERE IS. The City is not providing a warranty of merchantability or any other warranty regarding any auctioned item;
- 2) Auctions of City surplus property will be conducted at various times throughout the year as the surplus property becomes available for auction. The minimum number of days that an auction will be held for any item of City surplus property shall be fifteen (15) days, including Saturdays, Sundays and legal holidays.
- 3) At the close of bidding, the winning bidder will pay for the surplus item by credit card to GovDeals, Inc. as directed on the website (www.govdeals.com);
- 4) Buyers are responsible for all costs of picking up, shipping or otherwise transporting the surplus property from its location in the City. Buyers shall remove the purchased item from City property within thirty (30) days (unless otherwise agreed by the City) or the buyer shall forfeit his or her right to purchase the property, will receive a refund of the purchase price, and the item will be re-auctioned. If a buyer who failed to pick up an item purchased from the online auction fails to do so a second time, the purchase price for the second or subsequent items not picked up will NOT be refunded.
- 5) City personnel will make up to two (2) scheduled appointments for pick-up and if the buyer does not show at the scheduled time and place for the second appointment, the buyer loses all rights to purchase said surplus property, the purchase price will be refunded, and the City will re-auction the item;
- 6) For any vehicle or property requiring a title, the City will provide a title for any vehicle purchases as soon as practicable after said purchase.

Section 4. The contact information of the GovDeals, Inc. representative is set forth in the agreement and, if it changes, the new contact information shall be available through the Mayor's office or the Assistant Chief of Police.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City in that the contract needs to go into effect by January 1, 2011 .

Passed this _____ day of _____, 2010

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2010.

Mayor