

Wilmington City Council met on Thursday, June 16, 2011, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by McKay and seconded by Mongold to excuse the absent members.

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, June 2, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: I don't have an official report tonight or any legislation, but I do have several things. At your places, you have an item. Larry and I just had a meeting with some folks and we just wanted to bring something to your attention. This is over off of East Columbus and Applegate area. The situation is developing. We are working on it. We will be consulting. This property is actually zoned industrial, so it is a little different than some. There are some things that we are looking at. There are some conditional uses that have not been met or that have never been applied for. We want to check the dates of all of that. We want to let everybody know that we are going to get on this. We met some of the neighbors a little earlier. They rightfully want something done. We are going to see what we can do to make that happen. That is why you have that picture at your places. Secondly, our insurers, Miami Valley Risk Management Association, our pool of communities, we would just like to shout out to all of the department heads and the employees. We are one of the communities that met the standard of excellence in 2010. This is losses of \$100 or less per employee. In terms of our insurance, Wilmington is one of the communities of Wyoming, West Carrollton, Englewood, Centerville, Montgomery, and Springdale...we are one of the communities that met that standard and received the 2010 Standard of Excellence Award. Our hats are off to our department heads and all of the employees for being mindful of their risk. The bottom line as far as council should realize is that by them doing this, it saves us money. Good practices and risk management make the bottom line a lot less. I want to publically thank all of our department heads and employees for doing this. I believe that is all I have, Mr. President.

President Ertel: Thank you, Mr. Mayor. Committee reports. Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

Auditor –Auditor David Hollingsworth: I don't have anything formal to present night, but before all council members leave, I have a packet with our year-to-date general fund information through the end of May. Then, I have gone through and analyzed all of the special revenue funds that receive monies through transfers from the General Fund. I will give you guys time to take that and kind of absorb it. Then, our next Finance Committee meeting, if you want to make that an agenda item, we can discuss it at that point.

Councilwoman Mongold: I have discussed with the Deputy Auditor that our next meeting will probably be maybe toward the end of the last week in June. We will let you know for sure.

President Ertel: Thank you. Finance Committee? Sandy?

Finance Committee – Chairperson Sandy Mongold: We do have an item tonight. It is an ordinance making supplemental appropriations. You will notice that they are all from the community corrections fund. The reason behind this is that grant, the grant dollars for this, is just for the first six months. So, when we did the appropriations, we only knew the figure for the first six months; we did not know what the next six months' grant would be. Now that we do know, we need to appropriate it.

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

Motion passed

In the absence of the Director of Law, Brian Shidaker read ordinance by title only.

Mongold requested that the second and third reading be on the Agenda for the special council meeting.

Councilwoman Mongold: We will inform you of when the next finance committee meeting is. Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – In the absence Chairperson Mike Wallace, Councilman Wells: In Mike's absence, there is no report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: Since I'm the only member, I guess I will have to do it. Tonight, Mr. President, we have the first reading on a resolution adopting preliminary legislation for the replacement of a bridge over Lytle Creek in the City of Wilmington. Are there any questions or discussion?

A motion was made by Wells and seconded by Jaehnig to give the first reading only on the resolution Adopting Preliminary Legislation for the Replacement of a Bridge Over Lytle Creek in the City of Wilmington Located on US 68 0.26 Mile North of the Southern Intersection with SR 134 and Declaring an Emergency.

Motion passed.

Brian Shidaker read ordinance by title only.

Councilman Wells: Mr. Mayor? When do we need the second and third reading?

Mayor Raizk: I think we can just do it in normal fashion.

Clerk Laura Curliss: We are going to need two special council meetings on Monday and Wednesday. You need it, don't you Larry?

Service Director Reinsmith: I gave you the whole packet. There was a date on that cover letter that was pretty quick.

Mayor Raizk: We will have the second and third on the two specials.

Service Director Reinsmith: That would be good.

Wells requested that the second and third readings be on the Agenda for the special council meeting.

Councilman Wells: That is all, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling?

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

President Ertel: Okay. Wastewater/Sewer?

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

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have two items tonight, Mr. President. The first is a second reading on an ordinance amending our tax code. Basically, to close the loop-hole that currently does not tax winnings on gambling and lottery winnings. Just as a refresher, that will be a tax we will file on winnings over \$5000 or more in a given calendar year. I know that we have a couple of people that wanted to comment in regards to that, so I would allow them to come early rather than later.

Steve Brown: Executive Director, Main Street Wilmington, 564 Walnut Glen Drive. If we do have passage of this new income tax, we wanted to bring a couple of ideas to council of where this may be designated. Since it is an inconsistent tax of varying amounts, I would see it would be difficult to place this in a budget of any type. So, we have a couple of ideas for you to consider. One would be to enhancing and improving the downtown district. This would go right into what we see as our plan for downtown. Main Street would like to receive part of these funds and administer those, investing in downtown improvements such as benches, more flowers, special lighting. You've heard me say these items before...possibly a downtown music P.A. system and some water feature. And also more trees downtown, which I would like to turn it over to the Tree Commission and their request also for these funds.

Christine Hogdson: Thank you. My name is Christine Hogdson. I live at 254 Darbyshire Drive. I am representing the Wilmington Tree Commission tonight and I appreciate being able to speak with you. We do plan another fund drive this fall to ask the community for donations. Usually the funds are designated for tree planting. When it comes to removal of hazardous trees and maintenance of the city's trees in the public right-of-ways, that is not the warm and fuzzy thing that people really want to donate money toward something like that. So, we are asking to designate some of these funds toward the public trees in Wilmington to be left with council's approval for the maintenance of the public trees, removal of any hazardous trees that need to be taken down in the right-of-ways and in addition to planting additional trees on the city streets. Thank you.

Councilman Jaehnig: Thank you. As you both may be aware, just to clarify, each year taxes could be extremely low, maybe \$100, unless we have large winnings. At that point, then the high end could be \$1000 or \$2000...if we hit the million dollars worth at 10. So, it is not necessarily a large sum of money, but obviously for your budgets, it would be substantial.

Chris Hogdson: Thank you.

Councilman McKay: Would we be considering this, then, at another Judiciary meeting prior to further readings on this.

Clerk Laura Curliss: How you spend it is a separate matter than putting it in the ordinance.

Unknown speaker: Question. What tax rate would this be?

Councilman Jaehnig: It is the normal city income tax/earnings tax of 1%. Right now, the 1% applies to your earning. It applies to what you put in 401K. It seems inappropriate that it doesn't apply to this single item. Any other further comments?

Councilman McKay: It just seems like we need to discuss it sooner rather than later.

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Amending Codified Ordinance 171.03(a)(1) to Include in the Definition of Income Subject to the Imposition of City Income Tax Pursuant to 171.03 Any Amount Over \$5,000 that is Won by Lottery, Gambling, Sports Winnings or Other Games of Chance.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the third reading be on the Agenda for the next meeting.

Councilman Jaehnig: The second item tonight is the first reading on an ordinance rescinding ordinance Chapter 713 and adopting a new ordinance in Chapter 713 in regards to transient vendors. These are those that come into our community to sell items. We needed to kind of clean up this ordinance. It had not been reviewed in quite a while. The implementation of it had become cumbersome and we wanted to clean that up. So, that is what that is. Are there any questions or discussions in regards to that?

President Ertel: Yes.

Councilman Jaehnig: Yes sir?

President Ertel: Does it apply to fair vendors?

Councilman Jaehnig: I don't believe it does. It also does not apply to the schools going door-to-door or the churches. Those are exempt from this particular policy.

President Ertel: Okay. Thank you.

Councilman Jaehnig: If there is no further discussion, I call for the first reading, please.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Rescinding Codified Ordinance Chapter 713 and Adopting New Ordinances in Chapter 713 Regarding Transient Vendors in the City of Wilmington.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the special council meeting.

Councilman Jaehnig: That is it for Judiciary, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have three items tonight, Mr. President. We are keeping things busy. The first is a reading on an ordinance authorizing the mayor to enter into a contract to provide Fire and EMS services to Washington Twp. This particular ordinance is basically a mirror image of the agreement that we have already made with Union Twp. They have a fire levy that is in place. Whatever funds they collect will be turned over to the City since we will be providing their fire services. This is a five-year contract. Are there questions or discussion in regards to this?

Paul Hunter: It's a set amount, right? Not whatever they take in.

Councilman Jaehnig: No it is not. Whatever they receive; we receive.

Paul Hunter: Have we done that with other ones?

Councilman Jaehnig: Union Twp. That is what we just did. If there is no further discussion, I ask for the first reading, please.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the resolution Authorizing the Mayor to Enter Into a Contract to Provide Fire and EMS Services to Washington Township (July 1, 2011 – June 30, 2016).

Motion passed

Briand Shidaker read ordinance by title only.

Jaehnig requested that the second and third readings be on the Agenda for the special council meeting.

Councilman Jaehnig: This has to be completed by the end of the month so their contract can start on July 1. The next item is the first reading on an ordinance authorizing a contract without bidding for the replacement of equipment for the operation of the security systems for the doors and intercom systems for our police department.

Basically, we are in the middle of updating the dispatch system. We have gotten a grant for that. Part of that system was an old antiquated door safety system. Currently it works off of a push button system. This would allow cards so we have a much better idea of access and who is coming in and out of the Police Department. We have funds from the Federal Forfeiture Fund that will be applied to this and funds that they had already had in their capital expenditures. So, there will be no additional spending out of the General Fund for this project. Are there any questions in regard to this item?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Authorizing Contract without Bidding for Replacement of Equipment for the Operation of the Doors and Intercom System within the Secured Facility of the Wilmington City Police Department, and Declaring an Emergency.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the special council meeting.

Councilman Jaehnig: Our next item tonight...to be honest, I am kind of disappointed that we are not able to pass this particular ordinance all in one evening. Our Police Department has been having to deal with the bath salts issue. If you are not aware of that, it is kind of a generic name for a new drug on the market. The unfortunate thing is it is legal. It is being sold over-the-counters at convenience stores in our community. It has a serious, serious effect on those who take it: racing heart rates, paranoia, aggressive behavior, and very little control over how it affects the individual to the point of severe danger, to be honest. Last Friday there was an incident in which our officers had a gentleman in his car who was repeatedly ramming into a parked car. They were in a situation where they were basically not able to do much until he stopped. Heart rates racing up to in excess of 200 beats per minute. It is a very, very dangerous situation. The state is taking action on this, but it is tabled until they solve the budget problem. We feel that this is a severe enough circumstance that we do not want to wait for them to come to a complete action, which may be, to be honest, by fall. We have a few convenience stores right here in town that we requested they take them off the shelves. They have not, so this leaves us with this action as the only way of getting it off the shelves. It will allow it to be sold, possessed and used. There is a long list of trade names for this particular product. This particular ordinance will also include the banning of RFX, the synthetic marijuana.

Clerk Laura Curliss: Oh, yes, the synthetic cannabinoids.

Councilman Jaehnig: It is kind of unfortunate that we are actually having to deal with this locally, but it is something that needs to be put through as quickly as possible. Since this will be in the paper before we actually pass it, I am warning those convenience stores now. Get it out of our city. This is not acceptable. We will not tolerate it. You are just fortunate enough that we are not reading it all in one evening, so the police aren't on your doorstep tomorrow morning. Are there any questions in regards to this ordinance?

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on the ordinance Prohibiting the Manufacture, Possession, Use, Exchange, Sale,

Distribution of Synthetic Cathinones (More Commonly Known as “Bath Salts”) and Synthetic Cannabinoids (More Commonly Known as K2, K3, Etc.) and Other Synthetic Drugs and Their Derivatives and Substituted Forms and Declaring an Emergency.

Motion passed

Brian Shidaker read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the special council meeting.

Councilman Jaehnig: That is all tonight for us, Mr. President.

President Ertel: Thank you. Very good. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Thank you, Mr. President. Anybody who has driven down Main Street can see that we have started a sidewalk project again this year. I think they are using common sense and leaving a walkway open where possible. They even had an event at the Murphy today with the sidewalk partially closed. Secondly, tomorrow night, the Main Street group is putting on their first Third Friday event...Parrots of the Caribbean. It was a very well-attended, exciting show. Things will kick off at 5:00? 6:00?

Steve Brown: The band starts at 7:00.

Councilman McKay: The band starts at 7:00.

Mayor Raizk: Steve is dancing at 8:00 p.m.

[Laughter]

Councilman McKay: I know some of the booths will be open earlier than that. You can get started partying earlier than 7:00. It has been a great group, and don't let any threat of rain keep you away, because I know they're going to party somewhere. That's all I have, Mr. President.

President Ertel: Okay. Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

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

Service Director- Service Director Larry Reinsmith: No report, Mr. President.

President Ertel: Thank you. Safety Director?

Safety Director – Mayor Raizk: No report, Mr. President.

Reports:

A motion was made by Wells and seconded by Mead to approve the Auditor-Treasurer Report – May 2011, 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.

Lee Hendee: Well, it has come to my attention that this webcasting business is not working as well as I had hoped. Unless advertising revenues change drastically, Web Entertainment Media will cease all live operations as of July 1. That means we will not be webcasting City Council or County Commissioners or the Tuesday Night Show at Books 'N' More and those things. I really created this service as a service and means to expose the community, especially downtown Wilmington – exposing downtown Wilmington to the outside world. I know I'm not Glenn Beck, but I think we've done a

fair job at this and have received comments as far away as New Zealand and other points far and near. The website will continue to operate and will maintain much of what we have on there now, plus doing some special features. Occasionally we may do some special events such as the Holidazzle parade. We will be doing our last major event this Saturday, and that will be the Lucas Oil Pro Pulling League Tractor Pull Spring Nationals at the fairgrounds this weekend. That is going to be, I hope, a very impactful event on the community. There will be people here from all over, but we have the webcasting rights. We are the only ones besides Lucas Oil that has rights to webcast those. This will likely be our last major event. After working long and hard to gain webcasting to the Clinton County Fair we will likely not do this or the Corn Festival unless things change. I don't want to stand up here and sound bitter, because I know the economy is not the greatest. When we began, it was our promise that we made to some area businesses and others that we would not go to large corporations for our advertising revenue, and we have kept faithful to that. We have not put the big corporate chains on, and we would never consider doing that, because we believe in downtown Wilmington. We believe in this area. So, that is what we are all about. We stand by that and we still believe in the local community and hope that it can rebound soon. You never know...things can turn around drastically. We were only try to fill a void (and I guess this may have been a mistake) to fill a void of not having a real, true local radio station in the area...one that can provide us news and information. We at Web Entertainment wish all of the merchants, especially here in downtown, the very best. We hope at some point to be back and be able to get things rolling again. We thank any of the merchants that have been with us and helped us over the past year or so...we thank them very much. I just wanted to let everybody know what was going on. I emailed everybody I could think of. I know Don was aware of it before he came in. That is all I have. Thank you.

President Ertel: Thanks, Lee, for all of your help and support up until this time. Thank you very much. It was a very good service. Mrs. McKay?

Tammy McKay: I just came from a meeting of the Friends of the Park, and we are doing final planning for the Fourth of July celebration. I want to remind everybody here that Wilmington does celebrate the Fourth of July on the Fourth of July. There will be the usual activities out there. We will have a couple of local bands. The fireworks actually kick off at 9:45. We want to invite everyone and remind everyone that we will celebrate the Fourth on the 4th here in Wilmington. Thank you.

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 Wells and seconded by Mongold to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk