

Wilmington City Council met on Thursday, November 3, 2011, with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Duane Weyand was also present.

A motion was made by Mead and seconded by Wells to excuse the absent member.

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

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

Motion passed.

Minutes approved as received.

President Pro Tem of Council – Sandy Mongold: We have a couple of notices of public hearing. The first is a notice of public hearing on rezoning petition of Fifth Third land regarding 1.362 acres of land, more or less, located on the corner of Rombach Avenue and Oak Street in the City of Wilmington, Ohio, from B1 Local Business and R2 Single-Family Residential to B3 Roadside Business. The public hearing will be held on Thursday, November 17, at 7:30 p.m. in the Council Chambers, 69 N. South Street.

President Pro Tem Mongold: Also, we have notice of public hearing on rezoning of 55 acres, which is part of the a 281.312 acre tract located on S.R. 134 and Davids Drive from R3 Multi-Family Residential to I1 Industrial. The subject real estate is the property of Kelly A. Tolliver, Trustee of the Kelly A. Tolliver, RLT, dated 3/12/1997 and Kirby L. Tolliver, Trustee of The Kirby L. Tolliver RLT, dated 3/12/1997.

Councilman Jaehnig: When is that meeting?

President Pro Tem Mongold: That is December 1 at 7:30 p.m. For all rezonings, a plat and a report of the Wilmington, Ohio, Planning Commission are on file with the Clerk of the Wilmington City Council, Municipal Building, 69 N. South Street, and are available to the public for inspection.

President Pro Tem Mongold: We also have a notice of public hearing on the application of the City of Wilmington for an Ohio EPA Permit related to the vertical expansion of the landfill at 397 S. Nelson Ave., Wilmington. The public hearing will be held on Monday, December 5, 2011, at 6:30 p.m. in the community room of the City Building. A copy of the permit application is available for public inspection at the Wilmington Public Library. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Madame President Pro Tem. I don't have any legislation or item tonight other than it has been a long time coming and we're glad to have the bypass open. For some of us, it has been about a 30-year walk or more. I would like to say to the Chairman of the Streets Committee, I will be seeking a time when the Streets Committee can meet and discuss some proposed legislation about trucks turning in the downtown area. We want to get the research done first and then we will get with you on that. That is all I have this evening.

President Pro Tem Mongold: Thank you, Asset, Acquisition and Use: we have no report. Mr. Auditor?

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

Auditor – Auditor David Hollingsworth: Nothing. I would just inform everyone that I will have reports available prior to our work session for the budget. I have September finished and I have Mary Kay working on closing out October, so we will have up to date information. There were some income tax dollars that we collected in October that I think will help the cash balance, so I want to make sure that we have that reflected. Also, we will be working on what we think we are going to spend for the remainder of the year, so we will have hopefully a pretty good hold on what we think our cash balance is going to be and then we can take a look at the budget and see what we can do.

President Pro Tem Mongold: That’s great. As a reminder, on 6 p.m. before the next council meeting, which is November 17, we will be having a budget workshop here in council chambers. Also, we will need to have a finance meeting prior to that evening to discuss the supplementals and transfers. We will let you know when that will be held. Probably it will be the Monday before that meeting.

Finance Committee – Chairperson Sandy Mongold: Tonight we have two items. The first is an ordinance making supplemental appropriations. The first item is from the Police Fund to the Jail and Workhouse for the sum of \$4,000. Duane, do you want to go ahead and explain it?

Assistant Duane Weyand: The reason for the supplemental is we have a jail contract with the Clinton County Sheriff’s Department for housing our prisoners. The jail contract itself runs for two years and it ends in the first quarter of this year. The jail contract before was around \$290,000 and it was about a \$60,000 quarterly cost. We renegotiated our contract and were able to lower it down. However, this year we only budgeted \$199,000 and some change for jail housing and also cut our benefit cost. So, with having budgeted based upon \$45,000 quarterly costs and the medical costs, having that first quarter under the old contract put us in the red. We knew that going in because we didn’t have our contract finalized with the jail until probably about April 1 or April 2 – somewhere in that area. So, we have had a few extreme cases where we have had some people with some rare medical costs that we were responsible for. We had one person stuff a canister up his rectum prior to being arrested and we had to have that removed. Stuff like that has a tendency to increase your cost to do business. So, we have incurred some medical costs that we would have never have incurred under most normal circumstances. So, in order to finish out the year, we just need a supplemental to help survive.

President Pro Tem Mongold: Thank you. I am going to let Mark do the motion.

Councilman McKay: Are there any questions?

A motion was made by McKay and seconded by Jaehnig 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 McKay 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; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4995 passed as read.

President Pro Tem Mongold: The second item tonight is an ordinance making miscellaneous transfers. We have three items. Are there any questions on the three items. I will be more than happy to answer them. They are small.

A motion was made by McKay and seconded by Jaehnig 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 McKay 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; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4996 passed as read.

President Pro Tem Mongold: Thank you. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Wells: Since Mike is not here, no report, Madame President.

President Pro Tem Mongold: Streets Committee?

Streets Committee – Chairperson Wells: No report.

President Pro Tem Mongold: Solid Waste/Recycling?

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

President Pro Tem Mongold: Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report.

President Pro Tem Mongold: Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item on the agenda tonight, Madame President. This is three readings on a resolution enacting a Tax Incentive Review Council recommendation. This is in regards to Timbertech and the agreement that they have already had. They are easily meeting the agreement so we would like to go forward with the recommendations from the Tax Incentive Review Council. Any questions in regard to that?

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Enacting Tax Incentive Review Council Recommendation (Timbertech).

Motion passed

Director of Law read resolution by title only.

A motion was made by Jaehnig 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; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2262 passed as read.

Councilman Jaehnig: That is all we have on our agenda, Madame President.

President Pro Tem Mongold: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have two items tonight. The first item is three readings on a resolution authorizing the mayor to enter into an agreement regarding the payment of fees for transportations services. This is the police escort services for mental health crisis interventions. This is actually past due, so we don't only

need to have readings but it is an emergency. This is a renewal of the same agreement that we have in place already. There are no changes, if I remember correctly. Are there any questions in regards to this?

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Enter into an Agreement Regarding the Payment of Fees for Transportation Services or Police Escort Services Related to Mental Health Crisis Interventions and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

A motion was made by Jaehnig and seconded by Stuckert to pass the resolution as read.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2263 passed as read.

Councilman Jaehnig: Thank you. Our second item tonight is also three readings on a resolution authorizing the mayor to enter into an agreement with the Warren-Clinton Drug Task Force. This is a mutual aid agreement. We help them; they help us. We offer up services in trade. This allows us to do drug stings without our officers, which are easily more recognizable, making the sting more effective. This is a standard agreement that we have had for a few years now. Duane, did I leave anything out on that?

Assistant Chief Duane Weyand: No. That sums it up.

Councilman Jaehnig: Are there any questions?

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Enter Into an Agreement with the Warren-Clinton Drug Task Force for Mutual Aid and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

A motion was made by Jaehnig and seconded by Stuckert to pass the resolution as read.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2264 passed as read.

Councilman Jaehnig: That is all we have tonight, Madame President.

President Pro Tem Mongold: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – Yes, Madame President. I would just like to follow up on the mayor's lead on the bypass and I guess they are actually calling it relocation of SR 73. It will be better news than the bypass. I think it is just a few steps in helping with our downtown revitalization. It will certainly reduce truck traffic through the town and enable people to feel safer to shop and park downtown. It will also allow us, hopefully, to do more street closing so we will be able to rally folks around the downtown and not have to have a lot of traffic snaking around through great detours. I think it is a really a great thing for the downtown. Yes, Rob?

Councilman Jaehnig: I was in Jen's Deli today with an out-of-towner for lunch. We were walking down the street. She hadn't been in town for three months and she says, "What's different?" I said, "It's not all the trucks." I was in at Jens and they said they couldn't believe the difference in how much pleasanter it was in their shop and they actually did see an increase in business.

Councilman McKay: That's just the first day.

Councilman Jaehnig: It's very positive feedback. I'm very happy about that.

Councilman McKay: Wait until people find out about it.

President Pro Tem Mongold: I actually drove the bypass today because I was on the other end of the town and needed to go to the west end. It was very heavily traveled. I was surprised. There were quite a few cars driving on it.

Councilman McKay: That is all I have, Sandy.

President Pro Tem Mongold: Thank you. Parks & Recreation?

Parks and Recreation Committee – Convener Bob Mead: It is not a city project, but I do see that Little Hearts Big Smiles Park is getting some work done on it. Mr. Mayor, do you know what is happening.

Mayor Raizk: Well, I think they have been working on the parking lot, which is phase I. They have been proceeding right along there with that. I think that's the first phase. Then they are working on the rest of it. As you know, we are going to do water lines for them in the spring out of the new grant coming forward, when it is decided where they need it done and so forth. It looks like it is coming along. They are going to take a little advantage of the season we have had here to get at least the parking lot done. That is what I know. Is that what you know, Larry?

Service Director Reinsmith: That's about it.

Councilman Jaehnig: They got a very good offer from Melvin to be able to get that parking lot in before the end of the year.

Service Director Reinsmith: It look like they were bringing in quite a bit of stone in there.

Councilman Mead: I came by the other day in the rain and they were out there working in the mud, slogging around in the mud and the rain out there. Later the sun came out and it dried off and nobody was out there anymore. I wish them the best of luck.

Mayor Raizk: I think things are going well. As Rob said, they got a good offer to get that part of it done before the end of the year, which will be good for them so when next year's construction season starts, they will have that much done.

Councilman Mead: That is all, Madame Chair.

Councilman McKay: I was actually at a meeting where they were discussing this park. I think they made the parking lot like twice as big as they normally would because it sits in conjunction with the 4-C trail and obviously people will be able to use that parking lot when they want to walk or bike on the 4-C trail. That is going to be an extra advantage to having that there.

President Pro Tem Mongold: Okay. Service Director?

Service Director- Service Director Larry Reinsmith: One quick note – a little follow-up. We had a complaint here recently on that railroad crossing there on Sugartree Street. That was reported to the Ohio Rail Commission and PUCO. They did an inspection on that crossing. Of course, they said it needed repair, so they contacted the Indiana-Ohio

Railroad and pretty much was given until – well they are going to do a re-inspection on the third week in November to see what they have done. We have options of repairing it ourselves, but we have to sue the railroad for the money, so we really want them to make the repairs. We will keep you abreast on that. Hopefully we will get that cleaned up for you. Any other questions? That is all, Madame President.

Scott Kirchner: Larry, do you have any input on the leaf pickup. When should we dump them into the...?

Service Director Reinsmith: Into the catch basin? They're picking them up already. I know somebody else asked about leaf pickup already. You know, they used to put that in the newspaper. They would say, we are going to be in the northern quadrant this week and so forth. I'll talk to Denny about it.

Mayor Raizk: Our normal official date is November 1. That has been the traditional. Because the leaves seemed like they fell earlier, people had them out there, so they have picked up what they have seen to try to get ahead of it. I think we will have some quadrant dates very shortly. They'll be coming back for the second time around.

Scott Kirchner: I'll just keep piling.

Mayor Raizk: Keep them coming...in the catch basin.

Councilman Wells: I have one question for Larry. You know where we did the patch on Meadow Ridge Circle, well, there is a new area in front of that about one house where the base is caving in again and kind of raised up. If we have any time before winter could we maybe level that out.

Service Director Reinsmith: Did somebody do some vandalism on the right where we made the first repair, Don? You know we made the patch and that woman was kind of happy there, and then somebody did something over there. I will talk to Denny on that.

Councilman Wells: Yeah. Because of the asphalt, the base has kind of caved in.

Mayor Raizk: Also, Don, I don't know. You had asked in the Streets Committee meeting about the type of patching...you know the kind of machine that does that. We have done some on Nunn and Josephine and some other streets already. When you get an opportunity, go and look at it. It's the type that you were inquiring about. You were asking if we could get a machine like that. We do have that equipment. They have made some patches over the crack sealing. What type is it called Larry, where it uses the emulsion?

Service Director Reinsmith: Emulsion and stone.

Mayor Raizk: They use an emulsion and stone fill. It has helped a lot. You'll have to take a look at it and see.

Councilman Wells: I'll check it out. Thank you.

President Pro Tem Mongold: Mr. Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

A motion was made by Wells and seconded by Mead to approve the Income Tax Report – October 2011, as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: 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.

Gerald Holmes: 896 N. Lincoln Street. Basically, I am here today to go over the application agreement for tenants. It's good. It helps. We would like to add an extra applicant name, because normally there are two tenants on a lease agreement. Not only their name, but all of the other information, the account number, social security number, date of birth. We would also like to see somehow to be able to get a duplicate bill of what tenants are paying. There is a lag time in the time the water gets shut off. Because Ohio Revised Code makes the landlord pay, that way it would give us the ability to kind of be in touch with the tenants to try to get them to pay up. Tenants have been known in the past to fill above-ground pools and everything else before they leave because they know they don't have to ultimately pay the bill. That could be added on the bottom of the sheet where it says automatic transfer, yes or no, you could ask the landlord there, automatic duplicate bill? Yes or no. As simple as that. That way we can see whether they are paying or not. We have talked to a lot of other landlords and they have suggested a deposit for tenants, \$100, that would be two months' worth of water normally. That would give us time to catch up to the tenants. We have been stuck with water bills for years now and it's killing us. That is all I have to say.

Mayor Raizk: Do you have those things listed on that?

Gerald Holmes: I have one that is like that. I have copies of blank ones.

Mayor Raizk: If you would leave it with the clerk and we'll forward that on to the water committee and let the Director of Law look at it and so forth. When the committee looks at it, we'll let you know. Okay?

Gerald Holmes: Thank you.

President Pro Tem Mongold again asked if anybody else from the public or the council wished to address council while in session.

Councilman McKay: Don't forget to vote.

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

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

Motion passed.

Council adjourned.

ATTEST:

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President of Council

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Clerk