

Wilmington City Council met on Thursday, November 17, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand was also present.

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, November 3, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel introduced Fadi Al-Ghawi to come forward to give a presentation.

Fadi Al-Ghawi greeted the council and said that he was there on behalf of Habitat of Humanity. He said that Habitat for Humanity is a non-profit organization that helps needy families; they could only do it one family at a time. Without the help of individuals, businesses and churches the mission is very hard to accomplish. He said that he was proud to say that this year they helped two families in Midland and broke foundation in Wilmington. He went on to say that by the end of next year they hope to have two homes built in Wilmington. They receive help from a grant to do this. In addition, every year in November they have a Harvest Dinner as a way to say thank you to those who support Habitat for Humanity. He explained that they call it a celebration of their harvest because they have planted the seed earlier in the year. Mr. Al-Ghawi said he normally presents an award for people who do a lot of work for Habitat through monetary contribution, volunteer hours or donated material. He said that this year, an award was going to be given to the Service Department of the City of Wilmington. He explained that the city provided support helping to cut trees and haul trash. He presented the award to Larry Reinsmith.

[Applause]

Service Director Reinsmith said that he was impressed by the quality of the homes after they were built.

Fadi Al-Ghawi said that if it wasn't for the city with the help of the permits and services, they would not be able to do the houses. He said that they have done good rehab on the south end of the city and hoped it would continue.

[General comments of thanks and applause]

President Ertel announced a Notice of Public Hearing on Rezoning of 55 acres, which is part of a 281.312-acre tract located on S.R. 134 and Davids Drive from R-3 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 3.12.97, and Kirby L. Tolliver, Trustee of the Kirby L. Tolliver RLT, dated 3.12.97. He said that hearing would be on December 1, the first council meeting in December.

For all rezonings, a plat and report of the Wilmington Planning Commission are on file with the Clerk of Wilmington City Council, Municipal Building, 69 N. South Street, Wilmington, OH, and are available to the public for inspection.

President Ertel announced the 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., in Wilmington, OH. The public hearing will be held on Monday, December 5, 2011, at 6:30 p.m. in the Community Room, City Building, 69 N. South

Street in Wilmington. A copy of the permit application is available for public inspection at the Wilmington Public Library.

President Ertel opened the public hearing on the Rezoning Petition of Fifth Third Bank 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. He asked for questions and/or comments.

Mayor Raizk explained that the petitioners have been before the Planning Commission and that there is a letter stating that the Planning Commission voted unanimously to approve the rezoning.

President Ertel asked if anyone else in the audience wish to make comment.

Jill Tangeman, Counsel for Fifth Third, 52 E. Gay Street, Columbus, OH. She explained that Fifth Third is seeking to locate on the site. She stated that she was joined by Michael Rubino from GPD Group, the land planner, who was there to give more details about the site and show pictures.

Michael Rubino greeted the council and expressed his thanks on behalf of Fifth Third Bank. He stated that they were very excited about the opportunity to modernize and relocate their branch. He said that with the new building, customers would have a more pleasant experience with their banking. He presented renderings of a new ground-up building in brick. He presented a site plan and offered the opportunity for questions.

Paul Hunter asked which branch was to be replaced.

Michael Rubino explained that it would be replacing both branches.

Bob Mead asked if there was any sort of timetable for the project.

Michael Rubino answered that Fifth Third would like to move as quickly as possible. He explained that the existing tenant, Pizza Hut, is still operational and their lease does not expire until the end of 2012. He said if they chose to leave early, Fifth Third would move forward earlier. He said the latest they would move forward on the project would be the end of 2012.

President Ertel asked what the timetable would be to finish the project once they break ground.

Michael Rubino said he thought that the typical construction timeframe was 16-20 weeks.

Paul Hunter asked if the location had access off of Oak or off of both Oak and Rombach.

Michael Rubino said that there would access be off of both thoroughfares. He pointed the access points on the site plan.

Unknown female speaker asked if they were tearing down the houses and duplex.

Michael Rubino said that was the plan.

President Ertel asked again if there were any other questions or comments.

Scott Kirchner asked if the rezoning was dependent on the project. For instance, if Fifth Third chose not to go forward with the project for some reason, would the zoning revert back to the original designation?

Mayor Raizk explained that the rezoning would stay with the land regardless of whether the project was completed.

President Ertel asked again if there were any other questions or comments.

Councilman Jaehnig asked if there were any citizens who live in the area of the proposed project in attendance at the council meeting.

Gerri Breckel said she lived at 51 Oak Street, which is across from the proposed rezoning. She said that she had no problem with the rezoning and proposed project. She said she would be glad to see the trailers go.

[General comments of approval]

Councilman Mead said that he had heard a rumor that the Highway Patrol may have some concerns about the traffic in the area with the construction of the new building. He asked if anyone else had heard that.

Kathryn Hapner said that she had received a letter and had sent it to Planning Commission. She said the biggest concern was the traffic coming out of Rombach, but with most of the traffic coming out on Oak, they would be okay.

Mayor Raizk said that there actually would be a reduction in the amount of ingress and egress on Rombach with the current site plan. He said the other concern of the Highway Patrol that came out in Planning Commission was the type of business that was going to go in. He said that they had no problem with it being a bank.

[Discussion of traffic in the project area]

Councilman Jaehnig asked Larry Reinsmith to explain the definition of a B3 Roadside business zone.

Service Director Reinsmith explained that B1 is a local business and is limited. He said that a B2 is basically a downtown business because of the minimal setbacks. He explained that B3 is a general roadside business. He said the B3 designation is all encompassing and more flexible.

Mayor Raizk said that the B3 designation is commensurate with the types of the zoning that are in the area.

Councilman Jaehnig said he was curious why Pizza Hut was not already a B3.

Service Director Reinsmith explained that it was zoned B1 because that was the existing zone it was built in.

[Discussion/Banter regarding zoning designations and businesses located in the area]

President Ertel said he thought it would be a wonderful addition to Wilmington.

President Ertel closed the public hearing.

Mayor – Mayor Raizk had no report.

Asset, Acquisition and Use – Chairperson Sandy Mongold had no report.

Auditor – Auditor David Hollingsworth had no report.

Finance Committee – Chairperson Sandy Mongold said that they had two ordinances. The first one is an ordinance making supplemental appropriations.

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

Motion passed.

President of Council declared Ord. No. 4997 passed as read.

Councilwoman Mongold said the second item was an ordinance on several items making miscellaneous transfers.

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

Motion passed.

President of Council declared Ord. No. 4998 passed as read.

Councilwoman Mongold said that was all she had this evening.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – Chairperson Wells had no report.

Solid Waste/Recycling Committee: Chairperson Don Wells said he had nothing on the agenda, but said they recently had a meeting of the city officials regarding the landfill commercial rates. They discussed the possibility of making it fair and equitable to the City by increasing the fees so that the City can meet all of our obligations to the state. He said it would be better for the City and increase our revenue. He said he wanted to mention it in case anyone had questions regarding it. He asked Larry Reinsmith if we the City was working on informing people.

Service Director Reinsmith said the letters went out yesterday.

President Ertel asked for clarification on the rate increase.

Service Director Reinsmith said it was really for commercial rates. He said there were some fees imposed by EPA and the Solid Waste District. He said we could make adjustments to cover those.

Councilman Wells said that we had to meet obligations of fees that we have to pay.

Service Director Reinsmith said that the City lost one customer today, but most of the big box movers were already on board with the increase.

Councilman Wallace asked if the general public's costs were going up as well.

Service Director Reinsmith said not at this time. He said that after talking with the landfill superintendent, figuring the increases we face, there could possibly a fifty cent per month increase should the City choose to go that way.

Councilman Wells said he was not aware of that increase.

Service Director Reinsmith said that he had just had that conversation today.

Wastewater/Sewer Committee: Chairperson Mark McKay had no report.

Judiciary Committee: Chairperson Rob Jaehnig said they had one item on the agenda: three readings on an ordinance changing zoning on real property located in the city. He said it was in regards to the Public Hearing on the piece of property talked about this evening. He asked if there were any questions or discussions on the item.

Scott Kirchner said he had one question that occurred to him after the public hearing had closed. He asked if there would be job losses associated with the new branch consolidation.

Councilman Jaehnig said in talking with the two managers, the indication is that there would be none whatsoever with Fifth Third. He said in talking with Pizza Hut, Pizza Hut has no intentions of abandoning this market. He said that if the project moves forward, Pizza Hut has every intention of finding a new location and has a year to do so. At this point, the indications are that there would be no job losses. Councilman Jaehnig asked for verification from the Fifth Third representatives.

Fifth Third Representative (unidentified male speaker) said that as far as Fifth Third was concerned, there were no planned staffing changes. He went on to explain that the building they were proposing is larger than their typical building in order to accommodate the staff at both offices.

Councilman Jaehnig asked if there were additional questions.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio (1.362 +/- acres located at the corner of Rombach Avenue and Oak Street).

Motion passed

Director of Law read ordinance 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 ordinance by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4999 passed as read.

[Banter regarding Fifth Third representatives leaving the meeting]

Safety Committee- Chairperson Rob Jaehnig had no report.

Downtown Revitalization Committee - Convener Mark McKay had no report.

Parks and Recreation Committee - Convener Bob Mead had no report.

Service Director- Service Director Larry Reinsmith had no report.

President Ertel said he saw in the paper that the City had enough salt.

Service Director Reinsmith said that was true. He also said that they were still picking up leaves. He said the truck was down yesterday because they lost the alternator, but it was working again. He said that he spoke to Denny who says they have made three trips around the town. He said that there are a lot of leaves and they spent an entire day just doing Timberlane.

Mark McKay said that is why they call it Timberlane.

Councilman Jaehnig said that he is proud to say that the Wilmington Tree Commission has every intention of adding to the leaf problem.

Service Director Reinsmith said that they cut the sidewalk in front of the hotel to add more trees.

Clerk Laura Curliss said that Mike McCarty was doing plantings of some trees that were damaged in the City.

Councilman Jaehnig said that there were three plantings going on the next week.

Service Director Reinsmith said he thought Mike had purchased eight trees.

Councilman Jaehnig said there were black gum trees going over by the Ohio State Patrol on the curve. He said there were two trees going in by the General Denver. He said they also placed a yellowwood in front of the Methodist Church.

[Discussion of tree locations]

Councilman Wells asked if we had heard anything about a long-horned beetle in Clinton County yet.

Service Director Reinsmith said they had it in Cincinnati in Hamilton County.

Councilman Wells said he thought Butler County had a problem with it.

Clerk Laura Curliss said she thought it (the Asian long-horned beetle) affected all trees.

Service Director Reinsmith said he thought it liked hardwood trees.

[Discussion of the Asian long-horned beetle and emerald ash borer]

Safety Director – Mayor Raizk had no report.

Reports:

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

Councilman Jaehnig said that they were now nine days away from Holidazzle, which will be the Saturday after Thanksgiving. He said everything was full-speed ahead. He said with the bypass opening, they would be able to shut down Main Street from the Murphy block and the Courthouse block and South Street from the Municipal Building block and the courthouse block. He said there would actually be four blocks closed downtown for the event. He said North South Street would be the children's area and there would be children's activities in the City building. He said that a nice addition this year was that Frontier Communications was sponsoring a phone bank where children would be able to call the north pole and talk to Santa's elves. He said they were bringing two balloons back to town, which will be in the courthouse block area. He said they had added food vendors and craft vendors. Councilman Jaehnig went on to say that this year the parade-reviewing stand would be on South Street. He also said there was one major surprise that they were not yet announcing.

Paul Hunter asked what happened to the South Street bridge. He thought the project was supposed to happen this summer.

Service Director Reinsmith said that it was not scheduled this summer but was going to be bid in February or March.

Paul Hunter asked if they were going to make accommodations for the person who sleeps there.

Service Director Reinsmith said that they he thought they were going to try to make arrangements for the person sleeping under the bridge. He said that he knew the gentleman had been spoken to about the upcoming project.

[Discussion/banter regarding bridge project]

Councilman Mead said that he wanted to pass on to the Asset, Acquisition and Use Committee that maybe the city would be better served to keep the parcel at the end of Columbus Street without the house. In the end, for the city, it might give them better access to their area back there, for no more than we are going to get out of it. He said he thought they should think about it in case it might be something good for the city.

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

Lee Hendee announced the Web Entertainment Media would be webcasting the Holidazzle Parade. He said the intent was not to keep people from attending. He said it was to draw outside attention to Wilmington. He said he was promoting it through mass email and Facebook. He said there were people as far as away as New Zealand who watched the parade on his site last year. He said the City has always done a fine job with supporting the parade.

Councilwoman Mongold said that Main Street was sponsoring Open Houses for the downtown businesses on November 25 and 26. She said they will also have the window decorating contest again this year. She said there were many participants, including many new ones. The judging would be at 6 p.m. on Friday.

Councilman Jaehnig said that DP&L is the major sponsor this year for Holidazzle and we would not be able to put the parade on without them. He thanked Jeremy Bryant for their support.

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

ATTEST:

President of Council

Clerk