

Wilmington City Council met on Thursday, July 3, 2008, with President Fred Ertel presiding.

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by McKay and seconded by Wells to approve the minutes of the last regular meeting, June 19, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Now, getting to the second point, it looks like I have a lot of agenda items. How did that happened? I'm not sure. I would like to open a public hearing on amendments to Chapter 11 of the Codified Ordinances of the City of Wilmington. Would anyone like to speak to that?

President Ertel: Well, it looks like everyone is moot on that point, right? Okay. Very good. Laura, was someone here to present that?

Clerk Laura Curliss: No. It came from the Planning Commission.

President Ertel: It came from Planning?

Clerk Laura Curliss: Yes.

Mayor Raizk: Mike, did you want me to speak?

[Inaudible for transcription]

President Ertel: Please.

Mayor Raizk: All right, I will be glad to speak. Basically, this has been back and forth before Planning Commission. These are amendments that deal with Chapter 11 in the zoning code. We've added enforcement. We've added changes to the Design Review Board enforcement. I think many of the council members have been following this along through its process through Planning. So I think we finally got this down after our last meeting. We made a couple of final last brush-up changes. Planning Commission made a couple of changes that everybody seemed to be happy with. So I think really we have it pretty well in shape. It has been through Planning. It has been recommended unanimously by Planning Commission to forward it to the Council. I think most of your questions had been answered earlier. So that's it.

President Ertel: Very good. Any other comments or questions. If not, I will close the public hearing.

President Ertel closed the Public Hearing on Amendments to Chapter 11 of the Codified Ordinances of the City of Wilmington.

President Ertel: Okay, the next point on my Agenda is the first reading on an ordinance Chapters 1131 and 1133 of the Wilmington Codified Ordinances.

A motion was made by Peterson and seconded by McKay to give the first reading only on the ordinance Amending Chapters 1131 and 1133 of the Wilmington Codified Ordinances.

Motion passed.

In the absence of Director of Law, Jason Besser read ordinance by title only.

President Ertel requested that the second and third reading be on the Agenda for the next meeting.

President Ertel: Next point, is a first reading on an ordinance amending Chapters 1139.06-07 (Board of Zoning Appeals) of the Wilmington Codified Ordinances. Discussion? Is there a motion?

A motion was made by Peterson and seconded by Jaehnig to give the first reading only on the ordinance Amending Chapters 1139.06-07 (Board of Zoning Appeals) of the Wilmington Codified Ordinances.

Motion passed.

Jason Besser read ordinance by title only.

President Ertel requested that the second and third reading be on the Agenda for the next meeting.

President Ertel: The next point is the first reading on an ordinance adding Chapter 1160 to the Codified Ordinances of the City of Wilmington Creating the H-1 Zone (A/K/A the Wilmington Commercial Historic District).

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Adding Chapter 1160 to the Codified Ordinances of the City of Wilmington Creating the H-1 Zone (A/K/A the Wilmington Commercial Historic District).

Motion passed.

Jason Besser read ordinance by title only.

President Ertel requested that the second and third reading be on the Agenda for the next meeting.

President Ertel: Point Number “F” is the first reading on an ordinance Adding Chapter 1169 to the Codified Ordinances of the City of Wilmington Creating the Stream and Riparian Overlay Zone.

A motion was made by Peterson and seconded by McKay to give the first reading only on the ordinance Adding Chapter 1169 to the Codified Ordinances of the City of Wilmington Creating the Stream and Riparian Overlay Zone.

Motion passed.

Jason Besser read ordinance by title only.

President Ertel requested that the second and third reading be on the Agenda for the next meeting.

President Ertel: The final point is the first reading of an ordinance Amending Chapter 1302 Administration and Enforcement for Commercial Historic District; Design Review Board; Repealing Ordinances 2240, 2364, 2390, 3444, and Resolutions 666, 687, and Ordinances or Parts of Ordinances Inconsistent Herewith.

A motion was made by Peterson and seconded by McKay to give the first reading only on the ordinance Amending Chapter 1302 Administration and Enforcement for Commercial Historic District; Design Review Board; Repealing Ordinances 2240, 2364, 2390, 3444, and Resolutions 666, 687, and Ordinances or Parts of Ordinances Inconsistent Herewith.

Motion passed.

Jason Besser read ordinance by title only.

President Ertel requested that the second and third reading be on the Agenda for the next meeting.

President Ertel: Any other comments or questions at this point on any of these that we have passed?

Councilman McKay: It's been a long time coming and I am glad to see them moving forward.

Councilwoman Peterson: Yes.

President Ertel: It's been a long process. Very good. Mr. Mayor?

Mayor Raizk: Thank you, Mr. President. A couple of things. First of all, last month some of you were able to go – and Councilman Wallace, we appreciate your efforts in the creation of a High School Hall of Fame. I have a couple of proclamations. When the event was moved up, we weren't able to get them done quite, but we still wanted to have the proclamations. If you would, get them to Coach Waddell and Coach Downing.

Councilman Wallace: Oh, sure.

Mayor Raizk: We still have to call them coach – always will. But we have a couple of proclamations: one for Paul Dean 'Oakie' Waddell and one for Gary Downing creating that Saturday June 14 was Paul Dean "Oakie" Waddell Day and also Gary Patrick Downing Day in the City of Wilmington. If you would distribute these to them, I would very much appreciate it.

Secondly, as you know, we've worked very hard and the Streets Committee has worked very hard and all the council folks to create a new parking scenario in the downtown. Those are the new signs, so everybody can take a look. These are going to be a little different than what we've had before. You see the "2 hours" – it stands out a little bit. It does have the hours of operation. The handicapped – and you all just passed that legislation recently – you'll notice that the handicapped sign will be there and underneath the tag, the \$250 sign, which is now the state law on enforcement in that area. Those will be on there. We decided to do them separately so that if the fine scenario changes, then all we would have to do would be to change the smaller part of the sign. The other signs we are going to mount – if you look at the width of that blue where it says \$250 – we are going to mount the normal parking signs that much lower so that Main Street (they have been working on logos) and DWCIC – so that will allow us to put a logo sign above there when that comes about. This way, we will be able to go ahead as soon as we get those up and start our enforcement package. We are starting. I think Denny just got these in and we are starting to get them up as soon as we can according to the parking control map. Denny got these up to us. Then the red sign gives you those places where it will be permit parking, especially on lots. That is kind of a general sign. I think they look great and I think we should be happy with them. I wanted to get some examples up here to show you all what we are going to be doing. You could take a picture of them. We need a little publicity.

Councilwoman Peterson: We want to make sure that word gets out that we are going to be enforcing it.

Mayor Raizk: So that someone is not just taken by surprise that this is what is going on. So they are some different ones. Just a brief update on Task Force Activities. We have been working very diligently. I was in Columbus yesterday for most of the afternoon meeting with representatives of DHL who were appointed to meet with the Lieutenant Governor and myself and talking about at least trying... This is kind of a beginning scenario of what kind of mediation in terms of the people and so forth. We are just trying to get a handle on what they're thinking and so forth. We did realize, through that discussion, that the efforts (you may have an opinion about this), but we got a real loud and clear that the efforts and the noisemaking and whatever you want to call it, the saber-rattling, or whatever in terms of legality, anti-trust, and those kinds of things, are having an effect. It was kind of good to get a little feedback on that. They are hearing it loud and clear. It is a stinging sore point, so we did hear about that in the discussion. I guess that was a good thing. We still want to keep that pressure up as much as we possibly can. The longer we keep it a page-one story, the more we have a chance to reverse at least a portion of some of this or try to do some of this business here. They are

very sensitive to the page-one story. So I just wanted to let you know that. We will be having our next Task Force meeting at 9:00 on Tuesday. We had a Steering Committee meeting today at noon and assessing all of the things that are going on. We are working diligently every day to try to make something happen for the good of the community and the good of the people. That is all I have right now.

Mayor Raizk: Oh, I'm sorry. That's an old agenda – I'm looking off of the wrong one. You have before you something that we just kind of quickly added to the agenda tonight. I should have segued into this. This is "Save Ohio Jobs.com." This letter has been promulgated by the Teamsters, I believe, and many of you may have a chance to read it. I would ask that we have a resolution supporting the Coalition to Save Ohio Jobs, if that would be your pleasure. I am going to sign one of these letters, and it would be nice if the council would sign one with a resolution supporting it. You can see that coalition is talking about the jobs and restructuring and so forth. This is a resolution from the City Council that would support the efforts of the Save Ohio Jobs.

A motion was made by Peterson and seconded by Wells to give the first reading only on a resolution in Support of the Save Ohio Jobs Effort.

Motion passed.

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2092 passed as read.

Mayor Raizk: Thank you all very much.

President Ertel: Thank you so much on that. Now, would it be appropriate for each councilperson to sign their individual letter?

Clerk Laura Curliss: If they would like to do it individually, yes. I will send the resolution.

President Ertel: If they would like to do this individually and pass them on to Laura after tonight's meeting, that would be wonderful. Okay, I believe it is time to get into committee reports. First, Asset, Acquisition and Use?

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

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: Yes, we do have several items tonight; the first item is an ordinance creating a new fund. This is for the FEMA money that we were awarded from the blizzard of March 2008. We were awarded \$62,479, but they only pay out 75% of that, so what we will be receiving is \$46,859 and that will be distributed to all of the various departments that had a role [inaudible for transcription] that blizzard.

A motion was made by Mongold and seconded by Popp to give the first reading only on the ordinance Creating a New Fund, specifically FEMA money from the blizzard of March 2008.

Motion passed.

Jason Besser read ordinance by title only.

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

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4773 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance making supplemental appropriations. You have before you several items, including the transfer for the \$46,000. Are there any questions?

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

Motion passed.

Jason Besser read ordinance by title only.

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

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4774 passed as read.

Councilwoman Mongold: The third item tonight is another ordinance making supplemental appropriations. This is from the General Fund to Demolition in the sum of \$35,000. Mayor, would you address that issue, please?

Mayor Raizk: Sure. When we first did the budget we were looking at several properties that have been under condemnation. Some came up quite quickly after we did the budget work, and we realized that we did not have enough money in there for demolition. We have done one house already, one on Doan Street, and one of the properties is down here at the corner of Spring and Locust that had the fire. That property is slated for demolition. The problem is it is quite a bit more expensive than what one would think. The least expensive bid we've had on that is about \$14,500. One of the problems with it is its proximity to the house next door, you know, so it has to be done in a very... and then the drop-off in the back. So, that is one that needs to go very quickly and so we realized that we had to -- and we have a couple of others that are in there -- so we just need a little extra money to get rid of some of these condemned houses that are sitting around waiting for this to happen.

Councilman Wells: Do you know off the top of your head there what the other two are?

Mayor Raizk: I'm trying to tell you right now. These are properties that have been vacant or condemned for a number of years. We've just finally gone through all the legal process to identify them. The one on Doan Street, you know, that has been there for a long time. This one here and I think there is one on Howard. I don't have that in front of me, but these are properties that are totally damaged beyond repair and are problems with the neighbors and everybody, so this is something where we are trying to get these things cleaned up as we all want and get them out of here.

Councilman Jaehnig: Well, I know the one on Locust and Spring, they have a continuous problem of trying to keep everybody out.

Mayor Raizk: Out. Yes. So, the sooner we get it down, the better off we are. The biggest problem was it was the big chunk of change to try to do. Frankly, you know, the average cost we have with these – we originally put in about \$5000 or \$8000 because usually on these types of properties it is about a \$4000 or \$5000 scenario for a demolition, especially on the smaller ones, but this large house offers particular problems.

Councilwoman Peterson: Just to kind of tack onto this, we've recently [inaudible for transcription] down on Clark Street, and it is really an improvement needed on...

Mayor Raizk: Clark, I'm sorry, I said Doan but it is on...

Councilwoman Peterson: Well, there was one about a year ago on Doan.

Mayor Raizk: Yes.

Councilwoman Peterson: It really has improved the neighborhood. It certainly reduced the number of calls to my home regarding that property, and it really cleans up the neighborhood.

Geoffrey Phillips: A question, Mr. President and Mr. Mayor. Two questions. One, after we pass the legislation, I did ask the director of Law – have we reviewed the pending state and federal legislation? Obviously, with foreclosures across the country, there are a number of communities that are facing this same issue. One of the issues that is at stake is if there are encumbrances and mortgages on those properties, that those holders are notified before demolition. Are we clear that we have clear properties with clear titles and there are no encumbrances on any of these properties?

Mayor Raizk: Yes. That is what has taken so long, Geoffrey, is that we have had to do that. We've had to go along and do that. Of course, these funds will actually be added to the tax duplicate, so when we tear it down, they are going to go with the property.

Geoffrey Phillips: Well, hence my question. If there is a \$30,000 mortgage and we spend \$15,000 to tear it down and it sells for \$20,000, we'll never get our money back.

Mayor Raizk: Well, I understand that, but at the same time we have the safety and the...

Geoffrey Phillips: I understand that, but we need to know.... The whole program has been sold on the premise that we are going to get our money back.

Mayor Raizk: Well, no it hasn't been. Actually, the whole program has been sold on the fact that these properties need to get torn down for the safety and health and well-being of the neighborhood. It is going to take that money, whatever it is, to take it down. I mean, if it is a \$5000 demolition or if it is a \$15,000 demolition, if we've got a problem like we do at Locust and Spring – whatever it takes, we need to get it down.

Geoffrey Phillips: My second question is – you know, the question was asked tonight – I mean is there a public disclosure process as to which properties are going to be demolished?

Mayor Raizk: Yes. The notification process has taken us quite a bit of time. We have to go to court. The Director of Law has been active. We've followed every procedure that she has laid out. We are not doing it independently of that.

Geoffrey Phillips: Well, [inaudible for transcription] \$35,000 and you identified where \$15,000 would be spent. There are a couple of others that we have the addresses. Can we print that list and notify the press so they can list the ones we're tearing down so people know...

Mayor Raizk: Yes. And some of those we don't have bids on and we are awaiting the final thing, but we need to have the money in line.

Geoffrey Phillips: Thank you.

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

Motion passed.

Jason Besser read ordinance by title only.

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

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4775 passed as read.

Councilwoman Mongold: The last item is another ordinance making supplemental appropriations, and this is from the Probation Fund to the Capital Equipment Probation in the sum of \$5000. This is equipment that Judge Carey is going to purchase to use with his [inaudible for transcription].

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

Motion passed.

Jason Besser read ordinance by title only.

A motion was made by Mongold 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4776 passed as read.

Councilwoman Mongold: The next Finance Committee meeting is scheduled for July 14 at 12:00 noon. Laura, would you see that that gets posted? Thank you.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: Yes, Mr. President. We have one item this evening on the Agenda. I think everybody had in their packet a letter from Laurel Oaks explaining that they are trying to upgrade their facility and they need a water tap. We have the lines right there, and this is something we feel that we could do pretty easily. Are there any questions about this?

A motion was made by Wallace and seconded by Peterson to give the first reading only on a resolution Approving Access and Water Service to a Property Outside the City of Wilmington and Declaring an Emergency.

Motion passed.

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2093 passed as read.

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

President Ertel: Thank you. Streets Committee?

Street Committee – Chairperson Peterson: I have two items, and we are going to be asking for the first reading on both items. The first is an ordinance to prohibit parking on the west side of Gallup Street. Just to give you a little background – several months ago it was brought before the committee that there were problems with traffic on Gallup Street with parking on both sides of the street. So we looked at removing the parking either on the east side or the west side and determined that we wanted to move forward and prohibit parking on the west side. That was the decision we made. Are there any questions? Is there anyone here that wants to speak to this?

Councilman Jaehnig: I will, Cindy.

Councilwoman Peterson: Oh, okay.

Councilman Jaehnig: Mrs. Stryker had hoped to be here on behalf of the Homeless Shelter.

Councilwoman Peterson: Okay.

Councilman Jaehnig: They are highly concerned with the decision to remove parking from the west side of the street considering that currently on that street there is parking for 22 vehicles. If we remove parking from the west side of the street, that will reduce it by 14 spots, leaving eight spots on the street for parking. If we remove parking from the east side instead of the west side, that will remove only eight spots, leaving them 14 spots for seven homes on that street. It would also leave the area in front of the Homeless Shelter open for taxi service, drop-offs, for deliveries and donations, and for any emergency services that may be needed at that particular location. She apologizes for not being able to be here tonight but does plan on attending the next meeting with board members to express it directly.

Councilwoman Peterson: What I would like to suggest, if this is okay, is that we go ahead with the first reading. Between now and the next council meeting, try to schedule a committee meeting and accommodate her schedule for the committee meeting if we possibly can. Laura, can I send you some dates that I am available that can go out to the other committee members and also to her. Do you have her email maybe? Would that meet the expectations of the committee and council?

Mayor Raizk: They are not concerned about removing one side or the other?

Councilman Jaehnig: No, they perfectly understand the safety and emergency needs for city services.

Mayor Raizk: That's fine...that's good.

Councilwoman Peterson: I appreciate that.

Councilman Jaehnig: They would just appreciate being able to retain as many spots as possible to accommodate those that are there. The last time I visited, there were 17 cars on the street and 22 spots. So they are already.... Obviously, they're not all involved with the Homeless Shelter, without a doubt, but at that rate they would already be three spots short with the additional building that they are getting ready to open, they had originally hoped that they would have parking behind it and that has not worked out. So, unfortunately, they are still stuck with what they have on the street.

Councilwoman Peterson: I'll go ahead and send you some dates and I will copy other committee members on dates that I'm available, and we'll go ahead and get that set up. Thanks a lot, Rob.

Councilman Jaehnig: Thank you.

A motion was made by Peterson and seconded by Wallace to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File.

All voted “Aye,” with the exception of Jaehnig, who voted “Nay.”

Motion passed.

Jason Besser read ordinance by title only.

Councilwoman Peterson requested that the second reading only be on the Agenda for the next meeting.

Councilwoman Peterson: The next item is to amend the traffic control map. This is related to the corner of Mulberry and Truesdell. This has been on the Streets Committee meeting agenda for several months. As vehicles turn on Mulberry from Truesdell, it is very difficult if cars are parked at the very end of Mulberry on the east side, so we want to extend the yellow marks in there. Any questions?

A motion was made by Peterson and seconded by Popp to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File, specifically Mulberry Street.

Motion passed.

Jason Besser read ordinance by title only.

Councilwoman Peterson requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Peterson: That is all I have. Thank you.

President Ertel: Thank you. Solid Waste/Recycling Committee?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the Agenda tonight; however, I would encourage the citizens to please recycle, as always.

President Ertel: Very good. Thank you, Don. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: We have nothing tonight legislative. We would like to mention that we are in the season where we would normally get some odiferous reminders from that area, and I’ve driven by there fairly often and I might have gotten a whiff now and again, but I think maybe our new system is working.

Councilman Jaehnig: It is definitely better than what it was.

Councilman McKay: I say that optimistically, and I hope we continue to get good results. I just thought I would remind everybody that we did put a smell suppression system in for the benefit of those folks that drive and live in that area. That is all I have under that.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairman Mark McKay: We do have a couple of things under Judiciary. The first item is the second and third reading on the ordinance amending the ordinance regarding abandoned, junk or unlicensed vehicles on properties in Wilmington. Have we had any comments from the citizens?

Clerk Laura Curliss: Not to the Mayor’s office.

Councilman McKay: Does anybody have a comment on that?

A motion was made by McKay and seconded by Popp to suspend the rules and give the second and third reading on the ordinance Amending Chapter 1709.02 of the Codified Ordinances Regarding Abandoned, Junk or Unlicensed Vehicles.

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

Jason Besser read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4777 passed as read.

Councilman McKay: Thank you. I did mention at the last meeting that Councilwoman Peterson had a lot of input on this and so did the administration and police, Ernie Blankenship, Larry Reinsmith, and I think it is an important piece of legislation to continue to make life better for the citizens of Wilmington. The second item, I'm wondering if the Mayor may help us understand that this legislation is.

Mayor Raizk: A little over a week ago, we started moving in awe were put in contact with....and we have a real narrow window of opportunity here...to apply to the Department of Commerce. This is kind of the first step to a planning grant that would be necessary before rather large economic assistance to our region could be obtained. This is kind of the building block step. Congressman Turner brought down folks from the Department of Labor and from the Department of Commerce. We had actually met with some of those folks from the regional office, the Chicago office, about a week before that. We made the decision that we need to go ahead and apply for this because we have very, very little time to do it. Laura has been working night and day trying to get it done. The good news is that a lot of the things we have in place or we have the ability to do, and a little bit of our expertise with the grant writing has helped being able to put that together. So what we are doing here is we need a resolution supporting our application to the Department of Commerce so we can get a Planning Assistance Grant, I believe it is called. It's not a large amount of money right now, but if we don't have that and when we go to the EDA (Economic Development Administration) to get rather large grant monies, this is a step that we need to have in place. Also, one of the things that is going to be – you'll notice it says on there Clinton, Fayette, and Highland. These things, if they are done regionally, it's a lot better. It's much more of a focus for the federal government if it is in a regional format. So we have contacted those counties. They are on board and working so that we can do this regionally. One of the things that will come out of this is that we will actually get a local economic recovery office that will be staffed by the federal government. That's a huge step.

Councilman McKay: I understand that one political unit has already approved this.

Clerk Laura Curliss: Fayette County Commissioners.

Mayor Raizk: Fayette County has and I believe Clinton will on Monday, won't they.

Clerk Laura Curliss: They did also. I got a fax yesterday or today.

Mayor Raizk: Yes. Wednesday.

Clerk Laura Curliss: Yes, it came in yesterday.

Mayor Raizk: I think everybody has and I think we need to go and then once we do that then we're good to go.

Clerk Laura Curliss: Highland and Clinton County Commissioners have approved it already. Highland has heard it and they are going to approve it next time.

Councilman McKay: It is sort of a 4-way cooperative. I believe the maximum at this point is \$200,000.

Clerk Laura Curliss: That is with \$50,000 of our matching money as a group.

Mayor Raizk: As a group. That's not just from one entity.

Councilman McKay: We could have to pay as much as \$13,750 as a stipend to achieve this. Are there any other questions?

A motion was made by McKay and seconded by Jaehnig to give the first reading only on a resolution of Support for an Application to the U.S. Department of Commerce Economic Development Administration for Investment Assistance for an Economic Recovery Office for Clinton, Fayette and Highland Counties and Declaring an Emergency.

Motion passed.

Jason Besser read resolution 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 resolution by title only.

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2094 passed as read.

Councilman McKay: That's all I have, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Don Wells: Mr. President, I have two items on the Agenda. The first item tonight would be three readings on a resolution accepting a gift from the K&G Bike Center for the donation of a Fuji police mountain bike. Are there any questions?

A motion was made by Wells and seconded by Jaehnig to give the first reading only on a resolution Accepting a Gift.

Motion passed.

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2095 passed as read.

Councilman McKay: Mr. President, I'm sorry. I plead ignorance, but I don't know where the K&G Bike Center is.

Clerk Laura Curliss: Xenia.

Jason Besser: Xenia, Ohio, is the closest one.

Councilman McKay: Okay, that's the Xenia location. Okay. I didn't think it was in Wilmington, but I thought we should give them some credit. Thank you.

Councilman Wells: The second item tonight would be three readings on a resolution accepting a gift from Mark Elliott, owner of The Escape, a donation of \$550 for the

purchase of a Cannondale police mountain bike. This is a heavy frame bike. Are there any questions on this?

A motion was made by Wells and seconded by Peterson to give the first reading only on a resolution Accepting a Gift.

Motion passed.

Jason Besser read resolution by title only.

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

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

Jason Besser read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2096 passed as read.

Councilman Wells: Mr. President, I would really like to thank these individuals and the companies here for these donations. This is fantastic. It is greatly appreciated. That is all I have.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Sandy Mongold: Well, for those of you that did not attend the Jazz and Wine Festival, you really missed a wonderful time. It was a huge success. I think the News Journal estimated, what, about 600 people there. If you were there, I know you had a good time. It was wonderful for Wilmington and downtown Wilmington. The next one coming up is July 18 and it's Blues-N-Que, and that's going to be a barbeque and the blues band will be the Hadden Sayers Band. We will have food and beer. So I hope you'll come out and join us. That was a lot of fun. Then, on July 12, the Farmer's Market is coming downtown. It is going to be in the David Adair parking lot, so that is exciting. Do not forget about Brown Bag on Thursday – Thursdays from 11:30 to 1:00. Thank you.

President Ertel: Thank you.

[Unable to ascertain speaker]: That's the Bel-Air parking lot, by the way.

President Ertel: Okay, Parks and Recreation, please?

Parks and Recreation Committee - Convener Mike Wallace: Softball and baseball are winding down. If it would stop raining, it would be almost taken care. We're into rain-outs. We might play until September right now.

Councilman Wallace: That's all I have, Mr. President.

President Ertel: Thank you. Service Director? Obviously, he is on vacation.

Service Director- In the absence of Service Director Larry Reinsmith, Mayor Raizk indicated there was no report.

President Ertel: Okay. Very good. Safety Director?

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

Reports:

A motion was made by Wells and seconded by Peterson to approve the Income Tax Report – June 2008, 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. If you would, please, come to the podium and state your name and address for the record.

James Hanna: 370 High Street; Wilmington, Ohio: Mr. Mayor, Mr. President, council members and others, I thank you for the opportunity [tape ended]. Over the last several weeks, I had a conditional use request to a property at 383 N. Walnut Street before Planning Commission. We received very favorable approval/full recommendation on May 27. Next, before the Board of Zoning Appeals, and strictly it was not a rezoning request, simply as conditional use, I sought to change and relocate my professional office from right across the street, which is upstairs over the Chamber of Commerce to this property at the southwest corner of Vine and North Walnut. It's a property owned by the First Christian Church. It has been the church manse for 99½ years. I went around and met the neighbors and offered discussion with them on any plans and for them to get back to me on any thoughts or concerns they had. None had called me additionally. I did learn later from the city that no one called the city about coming into the Board of Zoning. One person in opposition appeared that night and it appeared the entire tone had changed by just one person appearing. We discussed two different signage options. I made an adjustment and agreed within the meeting to go to the lesser of signage, still staying within the 5-square feet that would have been permitted. My office request was really very, very low traffic, a very quiet-type office. Most of you here present this evening, if you know me, I've operated in the same location for 17 or 18 years. Some probably don't know that I really had an office there in town. I'm trying to understand really why, with no calls and no one replying back to me, I went out of my way to do the courtesy to meet and greet those folks and make the adjustment signage-wise. You know, we've got a lot of things in the paper about "We're pro-business," "We're supportive of business." Planning Commission was quite favorable and yet it made a complete reversal at the Board of Zoning Appeals. The vote that evening – there were three members present, so it came to two of the persons voting, and with the tie the board chairman then voted. It came negative two to one. I am here to express my concerns. There are a lot of things here in our country if we simply mooed and didn't do something because of one objection, I'd hazard to think where our country would have gone or become. Since then, I've looked a little further and I've placed a call to Kathryn Hapner. She had written me back. This week we're playing phone tag. She had pointed out that probably it was not something that council could act on. I potentially would have to go before Common Pleas Court. But it has come to light, since going over a little bit more of that material, I think maybe there is now even surfacing an improper vote made that evening, and I would hope that Council would help me address that. I'd ask really the Council, you know, if you and your Boards operate under Roberts Rules of Order? It turns out that the person who made the motion then voted negative for the issue. I don't think that is proper or allowed in the Roberts Rules of Order. So had that really been turned, the vote would have been 2-0 and conditional use approved. In the order of sequence, the motion was made, and when the vote came, the other person present on the board, non-chairman voted in favor, and then the person who made the motion. If you make a motion, it appears to me everything in Roberts Rules of Order you're in support of that motion. They made the motion and then voted against it. So I'm here to seek resolution out of that. Possibly the Law Director can help me here on Roberts Rules of Order. Thank you for your time and consideration of this.

President Ertel: Thanks, Jim. I agree. We will have the Law Director look at that and make sure that due process was followed in that particular meeting.

Mayor Raizk: I don't believe Council can actually do anything, Jim, but the Law Director certainly would be the final authority on that.

Jim Hanna: The next meeting of Board of Zoning appeals probably is Monday evening.

President Ertel: This Monday?

Jim Hanna: I believe.

[Unable to ascertain speaker]: It should be. I don't know. I'm not on the Board of Zoning Appeals.

Councilman Jaehnig: It's the same night as Parks, which is this coming Monday, isn't it.

Jim Hanna: I think it is July 7. If nothing else, I would like to be back and at least stand before to try to have those minutes amended because I believe the minutes read for that meeting would need some amending. 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 McKay and seconded by Jaehnig to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk