

Wilmington City Council met in special session on Thursday, July 31, 2008, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call a special meeting of Wilmington City Council to order, please. Roll call.

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

Assistant Chief Duane Weyand was also present.

A motion was made by Peterson and seconded by McKay to excuse the absent members. Motion passed.

Absent members excused.

Council gave the Pledge of Allegiance to the flag.

President Ertel: Thank all of you for coming tonight, I appreciate it. The purpose of tonight's meeting is not to discuss the July 17 meeting, but to actually look at legislation, review it, so on and so forth, and move forward with it. If there are persons interested though in talking about the July 17 meeting, at the conclusion of this meeting I'll be glad to stick around and talk to anybody and everybody about their opinions, about how they feel about it. We'll pull the chairs up and we'll have a nice open public meeting on it if everyone would like to stay. We will conclude this meeting though and then go into the July 17 discussion so that those people wishing to leave and go other places can do so.

A motion was made by McKay and seconded by Popp to approve the minutes of the council meeting of July 3, as received.

Motion passed.

Minutes approved as received.

President Ertel: Kathryn, you can join us up here.

Law Director Kathryn Hapner: I will not. This meeting did not need to be called. I've given my legal opinion on that and I will not take part in it.

President Ertel: We understand your opinion.

President Ertel said the next item was a second reading on an ordinance amending Chapters 1131 and 1133 of the Wilmington Codified Ordinances.

A motion was made by McKay and seconded by Popp to give the second reading only on Ordinance Amending Chapters 1131 and 1133 of the Wilmington Codified Ordinances.

Motion passed.

President of Council read the ordinance by title only.

President of Council asked for a 3<sup>rd</sup> reading on the next agenda.

President Ertel: The second issue is an ordinance amending Chapters 1139.06-07 (Board of Zoning Appeals) of the Wilmington Codified Ordinances.

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

Motion passed.

President of Council read ordinance by title only.

President of Council asked for a 3<sup>rd</sup> reading on the next meeting agenda.

President Ertel: The next ordinance is regarding 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).

A motion was made by Peterson and seconded by McKay to give the second 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.

President of Council read ordinance by title only.

President of Council asked for a 3<sup>rd</sup> reading on the next meeting agenda.

President Ertel: The next ordinance is adding Chapter 1169 to the Codified Ordinances of the City of Wilmington creating the Stream and Riparian Overlay Zone.

A motion was made by McKay and seconded by Peterson to give the second 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.

President of Council read ordinance by title only.

President of Council asked for a 3<sup>rd</sup> reading on the next meeting agenda.

President Ertel: The next ordinance is 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 Popp to give the second 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.

President of Council read ordinance by title only.

President of Council asked for a 3<sup>rd</sup> reading on the next meeting agenda.

President Ertel: That completes my portion of it. The mayor is not here yet. He's in a meeting downstairs; I came from that also, dealing with the Task Force. Asset, Acquisition and Use?

Asset, Acquisition and Use – No report.

President Ertel: Thank you. Mr. Auditor?

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

President Ertel: Thank you. Finance Committee?

Finance Committee – In the absence of Chairperson Sandy Mongold, Mark McKay introduced their ordinance for supplemental appropriations.

A motion was made by McKay and seconded by Popp to give the first reading only on an Ordinance Making Supplemental Appropriations.

Motion passed.

President of Council read ordinance by title only.

President of Council asked for a 2nd reading at the next meeting.

President Ertel: Water Committee? No report.

President Ertel: Streets Committee?

Street Committee – Chairperson Peterson: I have two items, The first item (Gallup Street) I want to postpone until the August 7 meeting. During the public Streets Committee meeting that we had, I assured the residents that the second reading would be at that time.

Councilwoman Peterson: The second item is a second reading only and we'll have the third reading at the next meeting. It is a second reading on an ordinance amending the traffic control map and the traffic control file on Mulberry Street.

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

Motion passed.

President of Council read ordinance by title only.

President of Council asked for a 3<sup>rd</sup> reading on the next meeting agenda.

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

Solid Waste/Recycling Committee: No report.

Wastewater/Sewer Committee? Chairman McKay – No report.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairman Mark McKay: We do have a couple of things tonight. . The first item is the ordinance establishing ward boundaries due to the annexation of the airpark.

A motion was made by McKay and seconded by Peterson to give the first reading only on an ordinance Establishing Ward Boundaries in the City of Wilmington and Repealing all Ordinances in Conflict Herewith.

Motion passed.

President of Council read ordinance by title only.

Chairman McKay asked for a 2nd reading on the next meeting agenda.

Chairman McKay: The second item is our annual ordinance authorizing participation in the Workers' Compensation pool.

A motion was made by McKay and seconded by Peterson to give the first reading only on a resolution Authorizing Participation in a Workers' Compensation Pool.

Motion passed.

President of Council read resolution by title only.

Chairman McKay asked for it to be on the next agenda.

Chairman McKay: The third item is an ordinance amending 4761 changing some classifications and salaries for certain city employees and I have been notified by a citizen that they want to make a comment on this.

Paul Hunter: Thanks, Mr. Convener. My comment is that either the code enforcement position that you're dealing with (one of the positions you are dealing with) is under-employed and not worthy of full time status with pay and benefits topping out at \$86,000. Or the current occupant of the position is hard at work 52/40 enforcing the building code and earning his pay and any time taken from that duty will result in a reduction in code enforcement duties. Either he's underemployed now and we can afford to let him go over to do engineering work or code enforcement is going to suffer because of splitting his time.

Realizing the fact that the service director will appoint the same person to the new position that currently occupies the enforcement job, rather than open it up for competitive applications, we might consider the fact that the incumbent enforcement official will add engineering duties to a full time engineering business and has also taken on the position of a golf coach at Wilmington College. That sounds like four part time

jobs to me rather than one full time job. One of the jobs will eventually cost the general fund \$95,000 a year, quite a bit of money in these dark days.

For what it is worth, I would suggest that the code enforcement be added to the building inspector's contract, Mr. Hobgood, and the engineering position be made a part-time position at a commensurate pay.

If we are serious about curtailing the drain on the taxpayer's fund as lean economic times loom ahead for us, you need to be aware of every dollar of expenditure that you are authorizing add up and, as we all know, it's going to be a hard time for us.

Councilwoman Peterson: Paul, I appreciate your comments. Obviously, the code enforcement position is very near and dear to my heart. During the committee meeting, this obviously raised some flags for me as well because I am very involved in that. I felt confident after the meeting that this was the best resolution. What was explained there was that some of the existing duties will be restructured in the department. We are currently outsourcing some of the engineering and that can be brought in.

Paul Hunter: Yeah, I understand, but we could still do that by contract.

Councilwoman Peterson: And moving code enforcement to another area, I don't think any of us felt comfortable with that either; I think it is where it needs to be and I felt very comfortable with this move and the restructuring.

Paul Hunter: I just point out the money.

Councilwoman Peterson: Yes, we looked at that as well.

Paul Hunter: Not those top salaries, I was at the committee meeting and I didn't think it was covered that well.

Councilwoman Peterson: But I appreciate the comments.

Councilman McKay asked if there were any further questions and there were none.

A motion was made by McKay and seconded by Peterson to give the first reading only on an ordinance Amending Ordinance No, 4761 Establishing Classification and Salary Ranges for Certain City Employees, Repealing Ordinances and Parts of Ordinances in Conflict Herewith.

Motion passed.

President of Council read ordinance by title only.

President Ertel asked for a 2nd reading for the next meeting.

Safety Committee – No report.

President Ertel: Downtown Revitalization Committee?

Downtown Revitalization Committee – No report.

Councilman McKay: Can I say just one thing? We are going to have a downtown yard sale starting tomorrow and Saturday.

President Ertel: Very good. Thank you.

President Ertel: Parks and Recreation.

Parks and Recreation Committee - Convener Mike Wallace: No report.

Service Director- Larry Reinsmith – No report.

President Ertel: Okay. Safety Director?

Safety Director – Nick Babb: No report.

Reports:

President Ertel – Is the report for June in front of you. I don't believe it was in our packets. Since this is a special meeting, it was probably shown in the 17<sup>th</sup> meeting and if there are any issues we will get it to you and review that August 7, but I assume in August we'll probably have the July report.

President Ertel: If there are any persons wishing to address the council meeting while in session, please come to the podium and state your name and address. If dealing with the July 17 meeting, hang on and we'll adjourn this and let people do what they need to do and then we'll reconvene right here to talk about the 17<sup>th</sup> if there is anyone interested in staying. Any persons wishing to address council while in session? (No response.)

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 Peterson to adjourn.

Motion passed.

Council adjourned.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk