

Wilmington City Council met in regular session on Thursday, December 18, 2008, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, December 18 meeting of Wilmington City Council to order, please.

The Pledge of Allegiance was given.

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

Assistant Chief Weyand was also present.

A motion was made by Jaehnig and seconded by Popp to approve the minutes of the last regular meeting as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Also on the docket is a second and third reading on a resolution appointing Dave Hockaday, a person who we all know, to the Income Tax Review Commission. Any discussion?

A motion was made by McKay and seconded by Peterson to suspend the rules and give the second and third reading only on the resolution Appointing A Member of the Income Tax Board of Review and Declaring an Emergency.

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

(Lynn Turner, Director of Law Pro-Tem served in the absence of Law Director Kathryn Hapner.)

Director of Law Pro-tem read resolution by title only.

A motion was made by McKay 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.

Director of Law read the resolution by title only.

President of Council declared Resolution No. 2111 passed as read.

Councilmember McKay: What was Mr. Jaehnig's vote?

Councilmember Jaehnig: Yes, and I am here again.

Councilmember McKay: Still here!

Councilmember Jaehnig: Still here, yes. Thank you.

President of Council-Fred Ertel: Okay, that completes my portion of the agenda, Mr. Mayor.

Mayor Raizk: Thank you, Mr. President. I just very briefly tonight, first of all I would like to say that in the holiday spirit, Gary, we will waive your tardy slip and will tear that up. So just as our present to you and I would like to say, this is not a gift, but it comes at a good time and it is because of hard work and I want to recognize our Human Resources Department and Dan Mongold. We just received an additional \$3,197.53 because we earned an additional 2 percent performance bonus for the 2007 calendar year from the Bureau of Workman Compensation. Now, if you remember, we just received a check for \$3,197.53 in October. This brings our total now to \$6,395.00 and, Dan, thank you, good job and to all the employees and the programs you instituted. That's kind of a neat little Christmas gift. The only thing I would like to say to all of you and up here out there is everyone have a very, very happy and warm holiday with your family and your friends and we'll look forward to a challenging, but ultimately happy new year and from the bottom of my heart I want to thank everybody for all the things that you have put up with and I want to thank the employees of the City of Wilmington most of all.

They have, in trying times, really delivered this year and they deserve your thanks, congratulations, and happy holidays to every one of them and their families and to the citizens of Wilmington. We pray we have a safe and happy holiday season. I just wanted to say that. Thank you; that's all I got.

President of Council - Fred Ertel: Thank you Mr. Mayor.

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

President of Council - Fred Ertel: Okay, Mr. Auditor.

Auditor-David Hollingsworth: I have one item.

President of Council-Fred Ertel: Excellent.

Auditor-David Hollingsworth: Before the year ends. Mary Kay, my Deputy Auditor, just informed me before the meeting that we have qualified for a reimbursement, due to the little windstorm that came through on September 14, FEMA, we are going to be reimbursed \$73,372.00 and that is to cover salary and equipment costs in cleaning up debris after the windstorm. I guess there is more money coming, but we haven't been approved yet for the remainder of it, but we have been approved for \$73,372.00 coming back. That's all I have.

President of Council – Fred Ertel: Excellent.

Councilmember McKay: Could I ask what we applied for, how much?

Auditor –David Hollingsworth: We'll ask Mary Kay, what did you say close to

Deputy Auditor – Mary Kay Vance: Our 75 percent will be about \$130,000 all told or somewhere in that vicinity. (A few other words could not be distinguished.)

President of Council – Fred Ertel: Perfect, super. Okay, questions or comments?

President of Council – Fred Ertel: Finance Committee.

Finance Committee-Chairperson Mongold: We have numerous items tonight and the first item is an ordinance establishing a new fund, the CDBG FY2008 Fund. This is a carryover from the last meeting.

A motion was made by Mongold and seconded by Peterson to suspend the rules and give the second and third reading only on the ordinance Establishing a New Fund.

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

Director of Law Pro-Tem read 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 Ordinance No. 4811A passed as read.

Chairperson Mongold: The second item also is a carryover from the last meeting. It is an ordinance making supplemental appropriations.

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

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

Director of Law Pro-Tem read 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 Ordinance No. 4812 passed as read.

Chairperson Mongold: The next item also is a carryover; it is an ordinance making miscellaneous transfers.

A motion was made by Mongold and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Making Miscellaneous Transfers.

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

Director of Law Pro-Tem read 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 Ordinance No. 4813 passed as read.

Chairperson Mongold: The next item is making appropriations for the current expenses and other expenditures for the City of Wilmington, Ohio during the fiscal year ending December 31, 2009, as amended. After several conversations this week, we have all agreed to move forward and suspend the rules and regulations and give second and third reading in title only. Are there any questions before we?

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio During the Fiscal Year Ending December 31, 2009, As Amended.

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

Director of Law Pro-Tem read ordinance by title only.

A motion was made by Mongold and seconded by Peterson 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 Ordinance No. 4814 passed as read.

Chairperson Mongold: The next item tonight is an ordinance making supplemental appropriations. Do you have any questions?

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

Motion passed.

Director of Law Pro-Tem 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 only on the ordinance by title only.

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

Director of Law Pro-Tem read 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 Ordinance No. 4815 passed as read.

Chairperson Mongold: The next item is making miscellaneous transfers.

A motion was made by Mongold and seconded by Popp to give the first reading only on the ordinance Making Miscellaneous Transfers.

Motion passed.

Director of Law Pro-Tm 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.

Director of Law Pro-Tem read 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 Ordinance No. 4816 passed as read.

Chairperson Mongold: The last item is an ordinance making supplemental appropriations and these are the negative supplementals. The Auditor will speak to these, but by doing this tonight, hopefully, we won't have to have a special meeting.

Auditor-David Hollingsworth: That's really all I was going to say was that Mary Kay has worked very hard to try to earmark everything that we have to make that we are not going to spend we have to make negative appropriations to, just until year end.

Hopefully, we haven't missed anything and if we have, we'll have to have a special meeting. The intent was to do it now and not to have to have a special meeting between now and the first of the year.

(More than one individual speaking)

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

Motion passed.

Director of Law Pro-Tem 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 only on the ordinance by title only.

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

Director of Law Pro-Tem read 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 Ordinance No. 4817 passed as read.

President of Council - Fred Ertel: Anything else, Sandy?

Chairperson Mongold: I just would like to wish everyone a very Merry Christmas, Happy Holiday.

Treasurer-Geoffrey Phillips: Mr. President.

President of Council - Fred Ertel: Yes.

Treasurer - Geoffrey Phillips: A question, I don't see in the budget, the title on the agenda says as amended. Were there amendments after the first reading?

Deputy Auditor-Mary Kay Vance: Yes, there were a couple of line items in the Recreation Fund that we had to adjust. One in particular was the Bureau of Workers' Comp line; he needed some more money so we took it away from another line the bottom line did not change on that one. And then Laura had the final numbers on our liability insurance and so we had to plug that number so it only changed the bottom line by \$5,000.00 or something, that was the essence of the difference. I (unable to hear final comment.)

Council member Mongold – Should we amend?

Treasurer-Geoffrey Phillips: I was wanted to point, whatever you probably should, I'm not an attorney but you probably should move to amend because it is different from the first reading. That's been your practice in the past.

President of Council-Fred Ertel: We can do that.

Chairperson Mongold: I read it As Amended, but it would be . . . I'll make a motion to amend the ordinance.

President of Council – Fred Ertel: If we make the motion to amend, even though it has been passed, then it is in proper processes. Do you think that is okay, Lynn? Let's do the whole thing again.

Director of Law –Pro-Tem: I think you probably should.

President of Council – Fred Ertel: All in favor of the amendment to the budget which is item D here, signify by saying yea, opposed nay. Okay, it is now amended so it is ready now for a second and third reading.

A motion was made by Mongold and seconded by Peterson to suspend the rules and give the second and third reading on an ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio During the Fiscal Year Ending December 31, 2009, As Amended.

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

Director of Law-Pro-Tem read ordinance by title only.

A motion was made by Mongold and seconded by Peterson 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 Ordinance passed as amended and read. (Ordinance No. 4814.)

President of Council-Fred Ertel: Okay, thank you. Water Committee, please.

Water Committee-Committee Chair Wallace: No report, Mr. President.

Streets Committee-Committee Chair Peterson – No report.

President of Council-Fred Ertel: Solid Waste/Recycling Committee

Solid Waste/Recycling Committee-Committee Chair Wells: Mr. President, I have one item on the agenda. I also would like to say that the other night when we were talking about the solid waste district I called Randy Riley and made arrangements for him and Jeff Walls to come to City Council in late January or early February and give us a report and kind of tell us what the City of Wilmington is getting for our \$80,000. If anybody has any questions at that time that would be a good time to ask them. So I just wanted to let you know that. I asked Mary Kay, it was \$79,233.46 to the Solid Waste District, so that's what it was. Okay the one item tonight is the second/third reading on an ordinance amending codified ordinance Chapter 925.24 regarding waste collection fees and declaring an emergency. Is there any discussion?

Councilmember Peterson: I'll second that, I apologize. I was out of line again.

A motion was made by Wells and seconded by Peterson to give the suspend the rules and give the second and third reading only on the ordinance Amending Chapter 925.24 of the Codified Ordinances of the City of Wilmington Regarding Waste Collection Fees and Declaring an Emergency.

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

Director of Law Pro-Tem read ordinance by title only.

A motion was made by Wells and seconded by Peterson 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 Ordinance No. 4818 passed as read.

Solid Waste/Recycling Committee Chair Wells: That's all Mr. President; thank you.

President of Council – Fred Ertel: Thank you. Wastewater /Sewer Committee.

Wastewater/Sewer Committee- Committee Chair McKay: Yes, Mr. President we have second and third reading on the ordinance authorizing the deferral of sewerage system rate increases scheduled for January 1. Are there any other discussion or questions?

A motion was made by McKay and seconded by Jaehnig to suspend the rules and give the second and third reading only on the ordinance Authorizing the Deferral of Sewerage System Rate Increases Scheduled for January 1, 2009, for a Period of One Year, and Declaring an Emergency.

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

Director of Law Pro-Tem 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; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ordinance No. 4819 passed as read.

Wastewater/Sewer Committee-Committee Chair McKay: That's all I have and I too certainly wish all of you a very Merry Christmas and a Happy New Year.

President of Council – Fred Ertel: Thank you, Mark.

President of Council – Fred Ertel: Judiciary Committee, please.

Judiciary Committee - Committee Chair McKay: No report. I'm sorry.

President of Council – Fred Ertel: Safety Committee.

Safety Committee – Committee Chair Wells - Mr. President, I have one item on the agenda tonight and that would be three readings on a resolution accepting a gift of \$300 from the Antique Power Club for the Police K-9 Unit. Is there any discussion?

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

Motion passed.

Director of Law Pro-Tem 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.

Director of Law Pro-Tem read 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 Resolution No. 2112 passed as read.

Safety Committee-Committee Chair Wells: I would very much like to thank the Antique Power Club for their generous gift helping our K-9 Unit. I too would like to wish everybody a Merry Christmas and a Happy New Year, especially Danny Mongold.

Human Resources Director – Danny Mongold: Merry Christmas, Don.

President of Council – Fred Ertel: Downtown Revitalization Committee.

Downtown Revitalization Committee – Committee Convener Mongold: No report.

President of Council – Fred Ertel: Parks and Recreation Committee.

Parks and Recreation Committee - Committee Convener Wallace – No report, Mr. President.

President of Council – Fred Ertel: Service Director.

Service Director – Larry Reinsmith: No report.

President of Council - Fred Ertel: Safety Director.

Safety Director – Nick Babb: No report.

President of Council-Fred Ertel: Thank you. Before you is the Auditor-Treasurers report for November 2008. What is your pleasure?

A motion was made by Wells and seconded by Peterson to accept the Auditor – Treasurer Report –November 2008.

Motion passed.

Reports accepted as presented.

President of Council- Fred Ertel: At this time, I would like to open it up to the public and/or council to address council while in session. If you would, please come to the podium, state you name and address for the record.

Mayor Raizk: I just wanted to say, we don't often get her here, so that I can say publicly, but last Friday night we had the city Christmas party, many of you could not make it, and I'm sorry that you missed it, but we had a great turn out. I really have to say thanks to Mary Kay. This is a labor of love for her; she works very hard to make a nice party for all the employees. We had a great turn out, had a lot of fun and many interesting things. I just wanted to publicly thank her for all the work she does on that because we have gifts, prizes, and all kinds of things and she goes out of her way to make sure that the employees have a really nice Christmas party to go to and it doesn't cost one penny of taxpayer dollars. And we had one of our own employees, Danny Sheeley, "Sug" as you know has a great D-J business and his deal is he'll be our D-J forever as long as we never charge an employee to get into the Christmas party. Everybody contributes and has a good time and Mary Kay I just wanted to say, "Thank You."

Deputy Auditor – Mary Kay Vance: Thank you.

President of Council – Fred Ertel: Very good, anyone else. I certainly would be remiss.

Councilmember Jaehnig: Sorry to slow you up, but Mr. McKay and Gary and I were out at an event the chamber held this afternoon in which they rolled out a program, I'm sorry Mr. Phillips was there too, that's call the Lamplighter Program and it is just nice to see the continued effort to put a positive light on the individuals and community of Clinton County. I won't steal their thunder, it will make tomorrow's paper, Gary? Saturday at the latest. But they gave away their first Lamplighter's award for those that are lighting the way in how to be a good community citizen in taking care of those friends and family and so forth and it was just very nice to see and I applaud them for it, and Happy Holidays.

Councilmember McKay: Your wife was there too.

Councilmember Jaehnig: Yes and my wife was there, and your wife was there. I could run through the whole list if we want to filibuster.

President of Council – Fred Ertel: Thank you much. I, too, would like to wish everyone a very Happy Holiday Season and thank you to Mary Kay. This may be the last time we meet in 2008 so we look forward to a new and prosperous year of 2009. Thank you so much.

President of Council - Fred Ertel: Okay, do I have a motion?

Councilmember Popp: Mr. President, I have not had the opportunity to wish everyone a Merry Christmas and I truly believe it will be a great new year in Wilmington.

President of Council - Fred Ertel: How about Mike, you're the only one left.

Councilmember Wallace: Absolutely, I would like to say Merry Christmas and a Happy New Year.

A motion was made by Peterson and seconded by Wallace to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk