

Wilmington City Council met on Thursday, April 2, 2009, at 7:30 p.m. with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President Ertel: I am sure a few of you, maybe not all of you, probably have questions about why we're dressed up. We're actually in *The President's Last Hours*. I will start with Robert Lincoln. Introduce yourself...actor and real life name.

Andrew Fithen: I play Robert Lincoln. My name is Andrew Fithen. Of course, you probably know my dad.

Clerk of Council Laura Curliss: I'm Laura Curliss, and in the play, I am just one of the crowd at Ford's Theatre when *Our American Cousin* plays on Lincoln's last day of life.

Julie Schanda: My name is Julie Schanda. In the play (and don't misconstrue this) I play a streetwalker, a lawyer and part of the crowd. I work for the City of Wilmington.

Dakota Beireis: My name is Dakota Beireis, and I play a soldier that guards the president when he gets shot.

Ron Fithen: I'm Ron Fithen, and I actually play dual roles. I'm Thomas Crook, who plays Lincoln's personal bodyguard, and I also play Surgeon General Joseph K. Barnes, who actually removes the bullets from the president when he is shot.

Julie Schanda: Our play is featured on Friday night at 8:00, Saturday night at 8:00 and Sunday at 2:00 p.m., and we would love to have you there.

President Ertel: Very good.

Mayor Raizk: You didn't tell us what you were doing.

President Ertel: Actually, I just dress this way...No, I'm actually in the play also. I play Mr. Ford...Henry Clay Ford...who actually owns the theatre, so you are all invited to my theatre. Also, I play General Haynie, who is from Illinois. Governor Oglesby, played by Mack Fife, and I interact with the president just before they go on the carriage ride. So it is quite an interesting experience being involved on stage. Everyone is doing a great job, too. I think it is wonderful. So, please join us, as Julie said, on Friday, Saturday, and Sunday.

Julie: Thank you for having us.

[Applause]

President Ertel: Thank you so much for that. I will be able to stay with us until about 8:15, so at that point, that is my call. Let's move right ahead.

A motion was made by Wells and seconded by McKay to approve the minutes of the last special meeting, March 19, 2009, as received.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Mr. Jaehnig. "The Big Cut."

Councilman Jaehnig: Now the team shows up. Come on in, gentlemen, and have a seat.

President Ertel: Yes. Come right on in. There are plenty of seats.

Councilman Jaehnig: We are officially announcing tonight, for lack of a better word, a new event or a new project that is going to be taking place. Once the team comes in...Connie is in the back room and she has put together a beautiful logo for our event. Basically, we are coming into spring. Springtime is about new beginnings; it's about clean starts – spring-cleaning. It is when the job market tends to improve at that particular point. As a hiring manager, one of the things I always notice is once people are out of work for a while; they start to look a little bit shaggy. The longer they are out of work, the shaggier they tend to look, because one of the things they don't do is pay for a lot of haircuts at that point. They skip them or so forth. In an effort to make sure that our citizens are ready for employment as the interviews start to pop up and the job opportunities start to pop up, we're going to be putting on "The Big Cut" on May 3, which is a Sunday. We have worked it out with the State Director of Cosmetology and some salons and schools to bring in between 150 and 200 stylists into Wilmington High School. We are going to be offering haircuts. We're hoping for between 2000 and 2500 people in a single afternoon. According to our contacts at the state and doing our own research, an event of this size has never been attempted. We've search Guinness Book and we've searched the web for these types of things, and there is nothing that has ever popped up, so we are going to be calling it a world record event...a world record attempt. We will send it into Guinness to see if they will actually qualify it after the fact.

Councilman Jaehnig: The point is to bring in those who are unemployed and need a little bit of help to get cleaned up, and their families. We will be working on a voucher system – similar distribution to when Feed the Children was here. We will be working with the Transition Center much heavier than we did last time, but we will also be working with Our Father's Kitchen, Community Action, the schools, and those types of agencies. The vouchers, once they are passed out, help us meet the legal requirement of notification that anybody that shows up must show up with freshly washed, clean hair. These are state regulations, since we cannot shampoo. We need to meet that. We can put on the back that we cannot handle anybody with any type of extra friends riding along, which is another state requirement, that we do not handle anybody of that nature.

Councilman Jaehnig: We have had quite a few step up to help us in regard to this. Carousel Beauty College is going to be sending their students down. They have five schools. Laurel Oaks is going to be sending their students over. Brenda Mahoney from Brenz Salon is going to be working with Locks of Love for us. We've been working with them. They have said, according to their records, the largest single collection that they have had on a single day was 47. With 2500 cuts, we're expecting to be able to easily break that. Divine Image has already signed up to be some of our stylists, so it is an exciting event. The college is going to help with volunteers. The high school, the FFA, National Honor Society and Student Council will all be helping us also. We will need about 150 volunteers besides, so it is going to be a real good point. Waring Office Supplies is going to be supplying us with the vouchers. Kroger and Generations are going to help feed the stylists and the volunteers. It is a true community effort.

Councilman Jaehnig: The really nice thing is that we will have an opportunity to get the community looking good as we move into spring and ready to take advantage of job opportunities as they come up. At the same token, we will be able to keep the spotlight on the creativity of what we are doing here, the way that we take care of each other. We've been talking with national news. Sixty Minutes is looking at coming back to add this to their September recap of how the city is doing and things like that. It is a good opportunity for us to continue to tell our story and to continue to talk about the great people that are in our community and how we work very hard to take care of each other. It is just really an excellent opportunity to work together. So I put out the word that anybody who owns a salon, anybody who is a licensed stylist or cosmetologist or barber and you want to participate, please, please get a hold of me. We would love to add you to the list. The school district has been wonderful in helping us work out of their facilities. We are really looking forward. Connie, if you want to show them the logo. This is the logo we will be working under. If you happen to own a T-shirt shop or you

have about \$1500 and you would like to donate T-shirts, we would love to have some T-shirts. This is our logo. Can you hold it up?

[Banter/General Approving Comments Regarding Logo]

Councilman Jaehnig: Again, it is not about us. It is not about the people who are volunteering. It is about doing the right thing for the community and that is really why everyone is involved. It is amazing, because literally we're only about 10 days into putting this together and it has come together very, very quickly. It is something the community should be very proud of – the attention and the ownership that we take in making sure we take care of each other.

President Ertel: Very good, Rob. Great job. Very nice. Very nice. We have just been joined by the Wilmington Basketball Team. Welcome to Wilmington City Council. I am Fred Ertel, President of Council. I normally do not look like this. I am actually in the play. You are all invited to the play that is coming up this weekend...*Lincoln's Last Hours*.

President Ertel: Okay. The Grand Opening of the South Street Gallery is scheduled for Friday, April 3 at 4:15. If any of you have been past there lately, there is a lot of activity going on. It looks superb on the inside. It looks just superb. So that is the South Street Gallery located just a couple of doors down on South Street, Friday, April 3 at 4:15 in the afternoon. Okay. That does my portion. Mr. Mayor?

Mayor. Mayor Raizk: Thank you, Mr. President. I have some more good news. There has been nothing better for this community, in my opinion, than the run that the Wilmington High School Hurricane Basketball Team had this spring, especially to a community that was desperately looking for some good news. You gentlemen certainly gave it to us. We are very happy and thankful to you for that. I have a proclamation and I am going to call you all up here. We'll make sure we got everybody. Coach Wallace, would you like to assist me?

Mayor Raizk: Brandon Arehart, Justin Arehart, Jordan Berlin, Kyle Blakeman, Brady Camp, Michael Graham, Lorenzo Harris, Malcolm Heard, Tyler Hodge, Craig Osterbrock, Quinten Rollins, Kirby Seeger, Casey Spriggs, Nyles Williams.

Mayor Raizk: I would love to introduce now the coaches: Head Coach Mike Noszka and Assistant Coach Tony Berlin, and Coaches Brian McMonigle (Brian is not here?), David Washington, and Zach Williams (Zach is here), Manager Scott Liermann (Scott knows his way around a gymnasium), and the voice of the Hurricanes over in the back there, Bill Liermann.

Gentlemen, you had just an outstanding season...it was terrific. The best season really in the history of Wilmington High School...certainly equaling, I guess, the 1927 team. I'm not sure if there is anybody around still from the 1927 team, so we can kind of say what we want.

[Unknown speaker]: Ertel.

President Ertel: Thank you. I was on that team.

[Laughter and banter]

Anyway, I want to read this proclamation:

WHEREAS Wilmington High School Boys Basketball team deserves to be congratulated on a terrific 2008-09 season and the citizens of Wilmington recognize them for the following accomplishments; and

WHEREAS, the Wilmington High School Boys Basketball team has brought honor to the school and the community as 2008-2009 FAVC Champions and District Champions with a 21-3 season. They set a school

record for victories in a single season and entered the Div. II Regional Semifinals as one of the best Division II teams in Southwest Ohio. They advanced further than any WHS team had in the last 82 years; and

WHEREAS, this winning team was made up of the following members: Brandon Arehart, Justin Arehart, Jordan Berlin, Kyle Blakeman, Brady Camp, Michael Graham, Lorenzo Harris, Malcolm Heard, Tyler Hodge, Craig Osterbrock, Quinten Rollins, Kirby Seeger, Casey Spriggs, and Nyles Williams, Certain players distinguished themselves this season with excellent sportsmanship and accomplishments on the court, including Jordan Berlin, Craig Osterbrock and Quinten Rollins who were voted 1st Team FAVC with Jordan Berlin also named co-player of the year in the FAVC Conference; and

WHEREAS, the leadership of the coaches was key to this year's success. This winning team was led by Head Coach Mike Noszka, Assistant Coach Tony Berlin and Coaches Brian McMonigle, David Washington and Zach Williams.

NOW, THEREFORE, I, DAVID L. RAIZK, Mayor of the City of Wilmington, Ohio, do hereby designate Thursday, April 2, 2009, as

“WILMINGTON HIGH SCHOOL BOYS’ BASKETBALL FAVC CHAMPIONS DAY”

Mayor Raizk: Witness, and we encourage everyone to celebrate in your accomplishments. Thank you very much.

[Lengthy Applause and Congratulatory Comments]

President Ertel: Anything else?

Mayor Raizk: Fred, I won't take too long because I know you're on a short schedule. There really can't be any better news than having those guys up here. I would like to say that you read in the paper that we received through the Ohio Department of Transportation some of the stimulus money for ODOT. The total of that award for our two major street projects and rehabilitations is 5.1 million dollars. Some of the numbers were a little bit nebulous and Larry spent this morning/yesterday afternoon in Lebanon getting all of the details worked out. These are, unlike our prior ODOT projects, fully funded, so there is no match, which will help us tremendously. Because the money that we had really pledged to match for the Urban Paving Project can now be used to work on some other much-needed street projects. We are very excited about that and certainly thank all of the folks who worked very hard on that. Staff worked extremely hard. We thank the Governor and Dave Daniels and John Carey and all of those folks who were out there pitching for us. We appreciate that. That's all I have. Thank you.

President Ertel: Thank you. Very good. We will move into committee reports. I know a lot of people here are probably interested in one of our final ones, which is the Downtown Revitalization Committee, so I would entertain a motion to bring that to the floor, please.

A motion was made by McKay and seconded by Popp to hear the Downtown Revitalization Committee report first.

Motion passes.

Downtown Revitalization Committee report moved up in agenda order.

Downtown Revitalization Committee - Convener Leilani Popp: Yes. We have the third reading this evening on an ordinance designating a revitalization district within the City of Wilmington. I understand that there are people here who would like to speak on this, council members as well as people in the audience.

Councilman McKay: Yes. I have a comment. We all received a letter, I believe, from Bob Beck. Bob could not be here tonight. Many of us know Bob; we attend church with him and so forth. He is a highly respected member of our community. He had some concerns about this issue and put them in a letter. He is very sincere in his concerns. I called him last night and talked with him, and he understands what this is about. He was very appreciative that it would only take place in a restaurant-type atmosphere. He also knows that any license that is requested, of course, has to go through normal channels. I did tell him that we would bring this forward so that everyone could hear his concerns. Like I said, we all got a copy of this. If anyone in the audience wants to see it, you are certainly welcome to.

Councilwoman Peterson: If I may, please, I also spoke to him. His concerns were related, in my understanding, that there are some Alcoholics Anonymous meetings in the downtown area. He readily conceded that there are meetings throughout the Clinton County area. Both Bob and I have relatives that are alcoholics. In fact, both of them have passed away because of that, so we both have a unique perspective. I also received three phone calls with regard to this matter. One was about issues that in many ways are unrelated to this. In fact, I'm going to reach out to Main Street, but I think there is some interaction that needs to occur between a couple of businesses downtown. Another caller just basically needed additional information from an historical perspective with regard to this matter. Another one was from a business that actually wants a liquor license.

Councilwoman Popp: I also spoke with Mr. Beck and talked about receiving the letter. We had a lengthy conversation. He voiced his concerns [inaudible for transcription].

Scott Kirchner: Councilwoman Peterson, did any businesses, since you represent the Second Ward and there are a number of businesses out there that would be affected by this, did any of those businesses indicate concern for their business' wellbeing; concern that we are creating additional competition in an already difficult economic environment for them?

Councilwoman Peterson: No.

Scott Kirchner: Okay. Thank you.

President Ertel: Are there any other comments?

Councilman Wallace: Mr. Ertel. I also received a couple of phone calls concerning this...on each side of this incident...so there are people there equally in my district that are equally not for any more alcohol permits in the downtown as well as think it is necessary as well...to help support our restaurants as well.

Councilman Wells: I have one question. Will these establishments be serving alcohol until 2:30 or is there a limit on the hours.

Councilman Jaehnig: My understanding is that is designated by the actual Liquor Licensing Board. What we are doing, the Revitalization Zone, only opens up the opportunity to possibly get another license. They still have to go through the normal application process and so forth. There is no guarantee that there will be a license issued; it just opens up the opportunity and opens up the opportunity to sell that same area as a Revitalization Zone, allowing you to approach the revitalization of the area in a different manner that we have approached it in the past.

Scott Kirchner: Councilman Jaehnig, do you have information regarding the question of how late alcohol will be served?

Councilman Jaehnig: Do I what?

Scott Kirchner: Do you have information relating to Councilman Wells' question on how late alcohol will be served?

Councilman Jaehnig: Those determinations would be made by the State Liquor Licensing Board.

Scott Kirchner: So the City will give up all opportunity to restrict that at this point with this downtown revitalization?

Councilman Jaehnig: My current understanding is we do not have the authority to restrict it now. It will be the same restrictions that everybody else falls under at that particular...

Scott Kirchner: So currently five permits allow serving up until, what was it, 2:00 or 2:30.

Councilman Wells: Around 2:30.

Mayor Raizk: The permits that are involved in this legislation are not traditional D5's. They are called D5-L's and they are restricted to a food service license. Now, a traditional D5, you know, you can meet that standard by a microwave and a coffee pot. But the D5-L, which is a different license, requires that 75% of the revenue comes from food, so it is strictly going along with a restaurant rather than... Typically, those establishments do not stay open as late as the others. Now, I don't know what the restrictions are. You would have to talk to the State Board of Liquor Control, but that is typically what happens because the D5-L designation is a little different.

Councilman Wells: What I could find out on my own, is it appears that they can stay open until 2:30. On our historic zoning...our closing hours would not apply to these establishments.

Councilwoman Mongold: I thought we applied hours in the Historic District . . the zoning that we changed in the H-1.

Councilman Jaehnig: The state regulation would not supersede the Historical District regulation. The city regulation can restrict; it just cannot expand. The Historic District regulations would still supersede.

Scott Kirchner: So can council indicate what time those businesses would be required to close in the Historic District?

Councilman Jaehnig: Whatever the current Historical District requirements are...and I'm sorry, I don't...

Councilman Wells: If you read, it says midnight, but it does not apply to people who have liquor licenses.

Scott Kirchner: It specifically indicates that in the Historic District.

Councilman Wells: That is what I read.

Councilwoman Mongold: I believe [inaudible for transcription]

Scott Kirchner: So you are indicating that this Historic Code actually does not apply to liquor serving establishments? So the H-1 District does not apply?

Councilman Jaehnig: I am not aware of that.

Mayor Raizk: There is some kind of difference in there, but I can't remember what it is.

Law Director Hapner: If it was sitting right in front of me, I could read it and give you a legal opinion right now, I just don't have it in front of me. If the Historic District zoning is midnight, then it is going to be midnight, unless the Historic District zoning has made an exception for facilities serving alcohol. But I don't have it in front of me, so I can't tell you.

Councilman Wells: Yes. Right in there it says it is midnight except for liquor license establishments.

Law Director Hapner: But whatever the restrictions of the H-1 Historic District are, those don't change. Whatever the restrictions or exceptions are is what they are.

President Ertel: Any further discussion?

Tony Testa: I have a question. Are these licenses whole licenses or are they just beer and wine?

Councilman Jaehnig: Whole.

Tony Testa: They're whole? I'm Tony Testa from the Mediterranean Restaurant. We applied way back when for a beer and wine, but there was no beer and wine available at the time, so we just got a wine. Really, again, we are a food restaurant in the downtown, so we pretty much apply to this. Beer and wine are fine with us. I don't see why a restaurant would need a full license to stay open again until 2:00 or 3:00 in the morning or whatever. If you are a restaurant...you're a restaurant. If you're a bar...you're a bar.

Councilman Wells: Well, that is sort of what I thought. A nice restaurant usually does not stay open until 2:30.

Tony Testa: It's a bar...but they can't.

[Unidentified Female Speaker]: So how can their sales be 75% food if they stay open until 2:00 the morning, unless they are serving food until 2:00 in the morning.

Mayor Raizk: That is why there is a differentiation between the normal D5 and the D5-L.

[Unidentified Female Speaker]: Even with bars that have restaurants...well like MacD's...they stop serving food at 9:30 or something. They still have a bar, but that is probably a D5 and not a D5-L.

Paul Hunter: If 75% of their revenue comes from the food, I don't think the hours apply.

Councilman Wells: I, too, was contacted by a business owner who said he has been waiting for a liquor permit for a long time. He can't get one because he is not in the Historic District, but he would like to have one.

Steve Brown: Have him come talk to me...we'll invite him in.

Mayor Raizk: Actually, I have been in discussion and we will be proceeding. He wanted to see how this goes first.

President Ertel: Very good. Any other discussion?

Scott Kirchner: Mr. President, I do have a presentation for council on this matter that I would like to give.

President Ertel: Sure. Okay.

Scott Kirchner: It will take a couple of minutes to set up the projector. Would council be willing to consider revamping the historic district regulations to make sure that businesses do actually close at midnight? Considering the fact that we have a hotel downtown and a number of churches, it would seem to me to be a responsible way to approach the subject.

Councilman Wells: Scott, as I understand it now, in reading the Historic Zoning, it does not apply to liquor establishments...only to other businesses.

Scott Kirchner: So council would need to change the Historic District zoning to make it apply to liquor licenses?

Councilman Wells: They can't because the state would have precedent.

Scott Kirchner: So the existing Historic District regulation would not affect those licenses inside the Historic District, correct?

Mayor Raizk: The state prescribes the maximum hours. For instance, there are folks that have a D5 that are not open that late. The hotel has a D5 and they close at 10:00 or 11:00.

Law Director Hapner: The Historic District regulations or rules can be modified to say that the midnight curfew applies to all businesses, regardless of whether you are serving alcohol or not because that is a restriction on the state license that the city can put on the liquor license. So there is not a problem with just taking that exception for alcohol establishments out.

President Ertel: As long as we don't try to supersede the state.

Law Director Hapner: Yes. We can't say that they can stay open until 4:00 a.m., but we can cut them back to midnight.

Scott Kirchner: Would it be possible to get the city's projector. I don't have a power cord here. I know we have a projector unit.

President Ertel: Laura is not here.

Mayor Raizk: Do you know where it is at?

Pauline Buckley: Probably.

Scott Kirchner: Or if you have another power cord, it may fit.

Pauline Buckley: I'll see.

Scott Kirchner: So the indication is liquor laws supersede the Historic District.

Councilman Jaehnig: No, that is not what was just said.

Law Director Hapner: The city can set restrictions on the hours that a liquor license can operate. They cannot expand the hours set by the state, but they can reduce those hours. So, the city could, if it chose, take that exception.... If the Historic District curfew, if you want to call it that, is midnight, and there is an exception for establishments that serve alcohol, you could take that exception out so that all establishments are closed at midnight.

Scott Kirchner: Would council consider doing that to make sure that the Historic District...? It is my understanding that this revitalization zone corresponds exactly with the Historic District...is that correct?

[Various Council Members]: Correct.

Scott Kirchner: So, would council be willing to look at redoing the Historic Zoning prior to approving this revitalization zone to make sure that we protect the integrity of the Historic District?

Councilman Jaehnig: I would be willing to look at the Historic District and review it, but I am not willing to delay this particular piece of legislation in order to go through that, because we are then just delaying the opportunity to move forward with additional opportunities to revitalize, not just the downtown, but our community as a whole.

Paul Hunter: But don't you have to wait for the November election before a license can be considered?

Mayor Raizk: Why would that be?

Paul Hunter: Because it has to be put on the ballot. According to statute, it is a ballot issue. The law is kind of screwed up, but that is what it says. So the rush is not really...

Councilman Jaehnig: But that is for the actual issuing of a license. The amount of time it takes to actually woo a business and to get them lined up and prepared and get them ready to actually open is usually greater than 6 months. We can use that time between now and the fact that you could actually get the license installed to actually work on redevelopment.

Paul Hunter: But people would have to vote on it before they can even apply for it.

Councilman Jaehnig: I understand that, but if we have an opportunity to put a Redevelopment or Revitalization District into effect, which would actually lead to possible new investment in our downtown area...

Paul Hunter: Bear in mind, all that Revitalization Area is is a means to obtain extra liquor licenses...that's all it is...nothing else.

Scott Kirchner: You would not be able to move up the application process. Once the Revitalization Zone is created, you still have to have a viable business that would qualify under the revitalization statutes as a restaurant, so they would have to set themselves up and then apply to qualify.

Councilman Jaehnig: But that is working under the assumption that we are actually talking about a business that wants a liquor license. But if we are actually doing this...

Paul Hunter: But that is the point of the whole move. That's the only point of the Revitalization District.

Scott Kirchner: I'm sorry. Are there other advantages to this Revitalization Zone that I am unaware of.

Councilman Jaehnig: The advantages of actually selling the revitalization of downtown. If you have, for example, somebody that wants to put some type of entertainment downtown, non-liquor related, or invest in the Murphy Theatre and so forth, they may be more likely to invest in a community that has already said, "We're going to designate this as a Revitalization Area" and lure additional restaurants and so forth into this area.

Paul Hunter: Because of the liquor license.

Councilman Jaehnig: Because of the liquor license. Where they may not consider us without that revitalization designation. The ordinance actually does not help them other than the fact that the city is making this type of a commitment to move forward and develop this type of district.

Paul Hunter: Liquor license. Flat out. That is all it is.

Councilwoman Peterson: I just want to make sure that I am as candid as I possibly can be with my colleagues on council. I am not prepared to say that I am going to change the hours of operation. I don't have enough information at this time. I just want to be very honest with you.

Councilman Jaehnig: I am not saying that I would be willing to change it. I would be willing to review.

Councilwoman Peterson: Right.

Scott Kirchner: Is there a reason of urgency other than we *may* attract more investment downtown? Are we wooing currently?

Councilman McKay: Mr. President.

President Ertel: Yes.

Councilman McKay: I would ask that Mr. Kirchner go on with his presentation and not continue to ask questions.

Scott Kirchner: I am working forward on my presentation, Councilman McKay. It is obvious that I'm working to get this.

Councilman McKay: I realize...

Scott Kirchner: I'm just trying to make my time productive. These questions may come up after the presentation.

Councilman McKay: Well, stop talking and start working.

Scott Kirchner: What did I do?

President Ertel: Scott, during your presentation, try to keep it nice, neat and concise. I will have to leave here in just a few minutes. I can return after my act. I am sure that this discussion may still be going on.

Councilwoman Peterson: For public comment, are there limits to the time we are going to offer?

President Ertel: I think in this particular situation, we can limit this to 10 minutes. Is that fair enough?

Law Director Hapner: I don't know, because you've never limited anybody before.

Councilman McKay: How long will it take, Scott?

Scott Kirchner: It is not a very long presentation once we get going.

President Ertel: Okay. That sounds good.

Scott Kirchner: It doesn't seem to be recognizing the computer.

Councilman Wallace: Kathryn, I think one of the questions that I would have somewhere along the line... Occasionally we will revisit something and we'll say "Well, we can't do that because we can't grandfather that in because this rule has already been made" and all of those things. I think sort of where Scott was headed, a good question to ask might be this: If we were to bring this in under the current rules as it all stands today and somewhere, say in two years, we want to change those rules, can we still do that and make all this follow whatever it is we want to do?

Law Director Hapner: Yes, and the reason for that is the Historic District is a special district. There are different rules that apply to a Historic District than apply to other districts – your general commercial, residential or whatever. I can give you the long explanation or I can give you the short one.

Councilman Wallace: The short one.

Law Director Hapner: Okay, the short one is "Yes, you can do that."

Mayor Raizk: The zone would determine that.

Law Director Hapner: Right.

Councilman Wallace: Yes. Because I really don't want to say, "Yes, let's do it," and then we find out later that maybe we want to tweak it and we can't do that.

Law Director Hapner: No. You can tweak it, and the reason is it is a Historic District zoning, which is different from commercial, residential or some of the other sort of standard zones.

Scott Kirchner: It would be the zoning that you would be tweaking. You can't change the boundaries.

Law Director Hapner: Right.

Scott Kirchner: Once the entertain district is created, it is created. You either keep it or you vote it down, if I understand my research on it.

Law Director Hapner: Right.

Scott Kirchner: The other part of the research, and there seems to be some misinformation, at least in my listening to council tapes, there can only be one Revitalization District in a municipality. There cannot be multiples. I've heard it said multiple times by council members or the Mayor.

Councilman Jaehnig: I don't remember that.

Mayor Raizk: I don't remember saying that. What we do know is there could only be one district, but it could be amended to include other areas.

Scott Kirchner: I did not see any provisions for amending. It was either keep it or vote it out. You could put a new one in place.

Mayor Raizk: We have done some research on it, and we think it can be amended to maybe expand.

Scott Kirchner: Since we are voting it into law tonight, I would rather know than think...I think that would be the responsible thing to do. So tonight's presentation from me. . . Why do I have concerns about the proposed Revitalization District? Let's take a look at it. This is the proposed Revitalization District of 25.836 acres. We grab a Google map and try to fit that little funky shape onto it, you get the proposed Revitalization District. I and my wife own property, as you can see, here, here, here, here, and here. So, quite close to the revitalization. Now you may not recognize some of those buildings because we have put a good deal of our own personal money in to revitalize the neighborhood – not just revitalize it; we live in it. In fact, I probably should state for the record that I am Scott Kirchner. I live at 261 S. Mulberry and currently am rehabbing 245 S. Mulberry Street to move into it. All told, investment already there, debt, obligations associated with property, probably close to a million dollars worth of property, I know, in a Blight and Slum zone. Amazing, isn't it. I have been disappointed with council's lack of response to my concerns about this zone, considering the fact that I have so much at stake and have been investing in this part of the community for a long time. Those are the reasons why I am concerned. I have invested, improved and continue to live in the neighborhood. So the proposed Revitalization District: What's wrong with the Revitalization District? Well, if you remove church property, 30-year or more business establishments, government offices and properties (And by the way, I missed one there. In that corner there, you have the Convention and Visitor's Bureau. I'm not sure; that's probably quasi-governmental), streets and alleyways...

BREAK IN TRANSCRIPTION. END OF TAPE.

Scott Kirchner: ...because you can't put liquor licenses into those establishments or they are existing and thriving businesses that have been there for over three decades. I may have missed some of those businesses too. This is from memory.

Councilman Jaehnig: Some of those government properties that you have listed aren't actually government facilities, they are property owned by the city, which could be sold for redevelopment.

Scott Kirchner: Well it's true. There are certain people who could probably get that land sold to them, but the primary thing is City Hall, the Courthouse (which I don't think they are going to sell), and parking lots for the employees of those buildings. So there are not a great deal of properties, but it is possible. What is most wrong with the Revitalization District is it does not include the entire planned Sugartree Street Corridor. So what is the Sugartree Street Corridor Plan? Well, it is the City of Wilmington-developed plan using taxpayer dollars. It was developed to refurbish and revitalize an entire part of our city: connecting commerce and the college, government offices, outdoor opportunities. What is the Sugartree Street Corridor plan? It is a taxpayer-funded plan with a central parking facility, central to the entertainment district, enabling people to park in the center of the district and go to the theatre, go to restaurants around it, perhaps visit the bookstore and other businesses downtown in the area. It has a pedestrian walk and bikeways along the stream, bringing foot traffic, much needed foot traffic, to a downtown revitalized. Restaurant and retail facilities, which could be anchored by stores such as Chipotle, Applebee's, Chili's, T.G.I. Friday's, Starbucks. We could have retail establishments such as bike stores, jewelry stores and clothing stores. You don't think so? In short, it is a plan that can't exist in the proposed Revitalization District because the Revitalization District does not include it. However, we have spent tens of thousands of dollars developing a plan to do this. So I am curious as to why the rush to change the Historic District, which was never developed to be a Revitalization Zone. It was developed to protect and specially zone that area to protect the integrity of it. We, basically, create a monopoly based on 70% of that not being developable. Is that a word? We'll figure that out later.

President Pro Tem Mongold: Is that the end of your presentation?

Scott Kirchner: That is, with one exception. I will say that if we vote tonight for this Revitalization District in the affirmative manner, if council supports the development of this Specific Revitalization zone, they will throw away tens of thousands of taxpayer dollars and they will throw away any opportunity to develop the Sugartree Corridor Plan, which would help revitalize and establish sustainable development in Wilmington. In short, it would improve the quality of life and the opportunities. With the amount of money that we are currently receiving from the stimulus program, we would find ourselves capable of applying for grants and development opportunities with the licenses we could potentially get – Applebee's, Chili's, someone of that nature – to come in and anchor it. We could have sustainable development beyond one franchise that uses city-provided parking to exist.

President Pro Tem Mongold: Thank you, Scott. Are there any other individuals in the audience that would like to comment on the subject?

Steve Brown: Just because we name a Revitalization District doesn't mean other areas can't be revitalized. They can be revitalized; you just won't have those new liquor licenses available there, except for that calls for the tearing down of three liquor-permitted places. Those could be placed back into your Applebee's if they decide to come into town.

Scott Kirchner: Well, couldn't the current establishment applying for the Revitalization Zone buy one of those licenses and move it up here?

Steve Brown: Say that again.

Scott Kirchner: Couldn't the current establishment that is applying for this Revitalization Zone to create new, unencumbered liquor licenses purchase one of those.

Steve Brown: No.

Scott Kirchner: They could not?

Steve Brown: Not as proposed. Because the liquor license from the new Revitalization District cannot be transferred outside of the district. Is that what you are asking?

Scott Kirchner: No. What I am asking is...We don't need the Revitalization District. Couldn't the current applicant purchase the Escape or Manhattan, tear it down, and move that license right up here, providing the opportunity for that development to occur.

Steve Brown: You can, but you're not getting any further ahead.

Scott Kirchner: Then why do you argue that we would get farther ahead without the Revitalization Zone down there. You just stated that...

Steve Brown: I didn't say that...

Scott Kirchner: ...other areas could revitalize without the Revitalization District, but the Revitalization District offers opportunities of advantage to businesses that operate in it.

Steve Brown: I'm glad you see that point.

Scott Kirchner: I do. And that is why I am wondering why, as Main Street Wilmington, we have thrown away all of the citizen-funded planning that occurred to develop sustainable development. I don't understand the approach, when you consider that millions have already been spent on this area up here.

Steve Brown: How many liquor licenses do you need down in the corridor...you have three already.

Scott Kirchner: And I do not necessarily want a fourth up here, is what I am trying to tell you. How many of our DUI's come out of this zone. [inaudible for transcription] we have drive-by shootings and we have assaults.

Steve Brown: So a restaurant selling liquor, is that what you are asking, because that is what this is about.

Scott Kirchner: I ask in this zone [inaudible for transcription]

Steve Brown: We're renaming the zone; that is what this is about. It is not current, it is what we want.

Denise Terzakis: Well why restrict the boundaries so much? You're upset by three liquor licenses on Sugartree; you're putting five liquor licenses in the five-block area. Five additional liquor licenses. Some already exist. Why are you restricting the area so much. Why can't it be expanded to include an area that is already planned to have restaurants and establishments that serve liquor in them.

Steve Brown: I've looked at that. Because that was my first question...why not include Sugartree. I understand the question, and I had to answer it to myself.

Scott Kirchner: Did Belair attempt to purchase an existing business with a D5 liquor permit?

Councilwoman Peterson: This isn't about . . .

Larry Reinsmith: I don't really think it's your business.

[Simultaneous Comments from Council/Audience Members]

Larry Reinsmith: That has nothing to do with this case.

Scott Kirchner: So you have not...or do not wish to answer?

Larry Reinsmith: I don't need to share anything with you.

Scott Kirchner: Did council ask Belair...when they presented to council, did council determine whether or not Belair had attempted to secure a D5 liquor license from another establishment?

Steve Brown: It doesn't matter.

Councilwoman Peterson: That is not pertinent to this.

Scott Kirchner: We're creating five new liquor licenses. We're doubling the amount of liquor permits that we have in the city. I think the point is, the citizens don't need council to make drinks; they need you to make jobs. I don't think we need five more places for people to drink in order to revitalize the Downtown Historic District.

Larry Reinsmith: Now, Scott, I know Tony has spent several hundred thousand dollars on his establishment and he has created several jobs. We spent over half a million on ours and we just hired 35 people yesterday. How many people have you hired in the last 10 years with your "million dollar investment?" Thank you.

Denise Terzakis: What's the average wage of...?

Larry Reinsmith: Does it make any difference? It's better than nothing.

Scott Kirchner: It actually does make a difference, because as a taxpayer, if you are not paying a living wage, we are actually funding those workers with support services through the County Family and Children Services.

[Simultaneous discussions between audience members]

President Pro Tem Mongold: Okay, let's move on.

Denise Terzakis: Personally, I still have an unanswered question. Why it can't be...?

President Pro Tem Mongold: Denise, will you state your name and address?

Denise Terzakis: Yes. Denise Terzakis; 261 South Mulberry Street. My question was posed to Steve, but I would take an answer from anyone who would offer it. Why restrict the liquor licenses to the Revitalization District. Why not expand it to include an already planned area to offer that opportunity to businesses to be developed there. Why restrict it? It seems that five is plenty to cover not only the Revitalization Area, but many other areas of town, including the Sugartree Street Corridor.

Steve Brown: It can be expanded, but that is not what is being proposed this evening.

Denise Terzakis: Right, and I want to know why.

Steve Brown: The Historic District already has very clean, precise boundaries. It was created... it is the center of the Main Street District, which would [inaudible for transcription] Revitalize Zone.

[Inaudible Simultaneous Discussions]

Councilman Jaehnig: If we expand the area to Sugartree, that will add to the acreage of the Revitalization Area, which will increase the number of liquor licenses...

Mayor: Potentially.

Councilman Jaehnig: Potentially, it is one for every 5 acres.

Scott Kirchner: It is a maximum of five. You can read the legislation.

Steve Brown: One per five acres, where at 25+ acres we would reach the max with proposed.

Councilman Jaehnig: Okay. Thank you.

President Pro Tem Mongold: Okay?

Tony Testa: Again, why does it have to be full liquor licenses. If it is going to be just for restaurants only, why not beer and wine. That stops it from being a bar.

Mayor: I understand that question, but as far as the law goes, that is what they provided in the law. You know, if you only want a D1 or D3 or whatever, because I have had that question asked me, ask the State Liquor Board and they said this legislation is for D5-L's only. I can't answer that question because we don't make that determination. That is the State Liquor Board that has said "These are the licenses that are *potentially* available. Again, you still have to go through the process and apply, as you know. Now, the other part of that is, and a question that I don't know but I would ask the State Liquor Board, having a D5-L, I think you can choose. I don't know that you have to have a full bar, even though you have a D5 permit. You would have beer and wine, but the D5-L would allow you to have it. I think you would have to ask that question.

Councilwoman Peterson: I want to share some perspective, because I'm not sure that everyone understands the background of what brought us here. Steve, jump in if I am not capturing the sequence of this. (A few words could not be understood for transcription) part of the Main Street Organization and our counterparts at Wooster were experiencing the same challenges that we're experiencing and lots of Main Street Communities were experiencing, trouble over quitting businesses. And certainly restaurants were a big factor and restaurants were not able to obtain liquor licenses. So Steve's counterpart in Wooster approached her state representative and shared this challenge. They worked collaboratively with the Liquor Board, with the legislature, and the governor signed this legislation for the Revitalization District, I believe, last fall.

Paul Hunter: September 9.

Councilwoman Peterson: Wooster was the first one that moved forward with this. We let them do it first to see if there were any issues that came out that we needed to be aware of, and then we moved forward with it here. I guess I should say, we entertained anyone who wanted to come forward. I think it is important to have that perspective. I think it also is something for us to also take to heart as we are going through some economic challenges here. She did more than wring her hands. She actually made it happen and then shared it with her colleagues in other Main Street Communities so that we could duplicate that. I think we are seeing a lot of that in our local community as well; rather than just wishing something would happen, we're making things happen as well.

President Pro Tem Mongold: Thank you. Leilani? Would you like to proceed?

Councilwoman Popp: Is there anything else?

Paul Hunter: I have one question for Rob. What if these new businesses that we've attracted with the potential liquor license come in and the voters turn it down, then they're hung out, right?

Councilman Jaehnig: When I was speaking earlier, I was speaking of businesses other than...

Paul Hunter: But if they come because of the Revitalization Area and it does not happen, because without a liquor license you in effect do not have a Revitalization Area, and then say the voters turn it down, they came here under false pretenses. Just a point.

Councilman Jaehnig: Well, I don't know if it is false pretenses or not. The voters still will have their say on whether to approve a license or not.

Paul Hunter: But just creating the Revitalization Area does not mean automatically that it is going to be a Revitalization Area.

Councilman Jaehnig: Correct.

Councilwoman Peterson: And we all know in business it...

Paul Hunter: You take your chances.

Councilwoman Peterson: It changes.

Tony Testa: Why do you have to take the max? Why does it have to be five? Do you have to take the max?

Councilman Jaehnig: Those are available.

Mayor Raizk: Those are available. We don't take them. It is one per five acres up to a maximum of five. This area is about 25 acres, so that would do that. Even if you expanded it, you still would not have those available.

Councilwoman Peterson: But nothing guaranteed, so it has to go through the process.

Mayor Raizk: Right.

Councilman Wells: Can I say one thing?

Councilwoman Popp: Yes.

Councilman Wells: The gentleman who contacted me who has been waiting on a liquor license, because he is outside of the district, he is not eligible, and I just don't understand why we have to have such a small area. The Sugartree Corridor makes sense to me. If we are going to revitalize our city...there is more to Wilmington than just a little bit downtown. I think we need to watch out for the whole city.

Councilman Jaehnig: I would agree with you, Don. In regard to the Sugartree Corridor, though, if that project was to move forward, there would be three businesses that would be either revamped or removed, which would free up three liquor licenses at that particular point. They could be used in that area or could end up elsewhere, as Scott had mentioned. I am not so sure that... The one and only concern that was approached to me other than Scott was the concern of us expanding the area and putting bars next to homes or putting restaurants with liquor licenses next to homes and wanting us to restrict the area because of that. If we expand it to Sugartree, that is going to bring it closer and more into a residential type of approach.

Scott Kirchner: Yet your applicant is right up against a residential neighborhood, a hotel close by, and a bed and breakfast. That concern seems a little bit invalid when you look at where the applicant is located.

Councilman Jaehnig: The hotel does have a liquor license now, doesn't it?

Scott Kirchner: Yes. All I'm saying is [inaudible]...

Councilman Jaehnig: You use the hotel as an example as of not to have it, when they already have a liquor license. I'm not saying that it is not by a residence, but if we expand it, we increase the number of residents that the area butts up against.

Scott Kirchner: The properties I own are down there. I'm asking you to incorporate it into that zone and really revitalize this.

Councilman Jaehnig: I understand what you're asking. I'm just saying that somebody else had asked me the exact opposite: to restrict it and try to keep it from the residential areas when possible.

Denise Terzakis: I have two questions. The first one is, what will be the price of these liquor licenses that will be available?

Paul Hunter: \$2500 more or less.

[Multiple members answered that it would be whatever amount the State requires]

President Ertel: Have we had enough comments at this point in time? I've been gone for...

Denise Terzakis: No. I would like an answer. What is the price of a regular liquor license?

President Ertel: I wouldn't have a clue. That's the state. Have we had enough?

Denise Terzakis: Well, I have one other suggestion. I really feel like council is not prepared to answer all of the questions that are coming out, and I would suggest that until council is able to answer sufficiently the questions that everyone has, we should delay this vote. This is the final vote. People have expressed concerns and people have questions that have not been answered.

Scott Kirchner: Perhaps hold public hearings for public input to address the boundaries of the zone.

President Ertel: Okay. No new information obviously is coming out. Are we prepared for vote?

Councilwoman Popp: Yes, Mr. President.

President Ertel: Is there a motion please?

A motion was made by Mongold and seconded by Peterson to give the third reading only on an ordinance Designating a Revitalization District Within the City of Wilmington. Wells voted "Nay." All other members voted "Yea."

Motion passed.

The Law Director read the ordinance by title only.

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

Wells voted "Nay." All other members voted "Yea."

Motion passed.

President of Council declared Ord. No. 4836 passed as read.

President Ertel: Okay. Moving back to the regular Agenda. Asset, Acquisition and Use?

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

President Ertel: Thank you. Auditor?

Auditor – President Ertel: No Auditor.

President Ertel: Okay. Finance Committee please?

Finance Committee – Chairperson Sandy Mongold: We do have several items tonight. The first item is an ordinance making supplemental appropriations.

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

Motion passed.

The Law Director read the 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.

The Law Director 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. 4837 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance – we have two transfers.

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

Motion passed.

The Law Director read the ordinance by title only.

A motion was made by Mongold and seconded by Popp 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.

The Law Director 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. 4838 passed as read.

Councilwoman Mongold: The third item tonight is a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

A motion was made by Mongold and seconded by Peterson to give the first reading only on a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

Motion passed.

The Law Director read the resolution 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 resolution by title only.

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

The Law Director read the resolution by title only.

A motion was made by Mongold and seconded by McKay 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. 2129A passed as read.

Councilwoman Mongold: For you information, we do have a Finance Meeting scheduled for Wednesday, April 15 at 12:00 o'clock noon.

President Ertel: Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: No report, Mr. President.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda, but I do have before the council people tonight a letter that the

Solid Waste Committee has voted to send to the Clinton County Solid Waste Management District. I hope you have all had a chance to read through it. I would like to suggest that everyone on council would sign this letter and we will send that to them. Are there any questions?

A motion was made by Wells and seconded by Peterson to send letter to the Clinton County Solid Waste Management District.

Motion passes.

Letter will be sent to Clinton County Solid Waste Management District.

Councilman Wells: Thank you very much. That's all I have.

President Ertel: Just pass it down and we will all sign it. Okay. Thank you. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report, Mr. President.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Popp: No report, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: I have three items today, Mr. President. The first item is a resolution authorizing us to renew our agreement with the Clinton County jail for beds for prisoners. It is a two-year agreement. Unfortunately, we are late in receiving it and it is expired as of March 31, so I will be asking for three readings in regard to this and passage this evening.

A motion was made by Jaehnig and seconded by Wells to give the first reading only on a resolution Authorizing an Agreement for the Boarding of Prisoners at the Clinton County Jail and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

A motion was made by Jaehnig and seconded by Peterson 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.

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2129 passed as read.

Councilman Jaehnig: The next item we have is a resolution authorizing the Mayor to submit applications for a COPS grants program. This is a new program that is available that will allow us to fill some slots in the police department that are currently going unfilled due to budgetary reasons. The grant will pick up the salaries for these individuals for the next three years. The city will be responsible for any raises above their initial hire, and, of course, then for the fourth year of it also.

A motion was made by Jaehnig and seconded by Mongold to give the first reading only on a resolution Authorizing the Mayor to Submit an Application for a Community Oriented Policing Services (COPS) Grant and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

Councilman Jaehnig: Because there is a deadline on filing for this grant, we want to move as quickly as possible.

A motion was made by Jaehnig and seconded by Mongold 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.

The Law Director read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2130 passed as read.

Councilman Jaehnig: Our last item tonight is another resolution to allow the mayor to submit an application for a grant under the Edward Byrne Memorial Grant. There is a specific amount of money that each community is designated based upon convictions of certain, I believe it is, felonies. Is that correct?

Assistant Chief Weyand: They are called Type-1 crimes. Serious crimes.

Councilman Jaehnig: Serious crimes. That allows us then to use this grant money. It is simply just applying for it; it is almost basically a guaranteed thing once you apply.

Assistant Chief Weyand: As long as we fit the criteria.

Councilman Jaehnig: As long as we fit the criteria. This will allow us to pursue things like new technology and so forth for our officers.

Safety Director Babb: We found out today that we do have to be specific in what we are asking for. I think we are looking at redoing the firing range [inaudible].

Mayor Raizk: There was also an article today that some of the stimulus money was going to get funneled into Edward Byrne. Did you hear that, Duane?

Assistant Chief Weyand: This is one part of that...

Mayor Raizk: This is what the money is. It is through that. They used an existing channel, which was the Edward Byrne Memorial Fund.

Safety Director Babb: At the committee meeting, we thought we could use it for multiple police activities, but we have to be specific.

Councilman Jaehnig: I assume you are going forward with the range? There is an entry timeline for the grant, so we would proceed with three readings.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on a resolution Authorizing the Mayor to Submit an Application for an Edward Byrne Memorial Grant and Declaring an Emergency.

Motion passed.

The Law Director read the resolution by title only.

A motion was made by Jaehnig and seconded by Wells 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.

The Law Director read the resolution by title only.

A motion was made by Jaehnig 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. 2131 passed as read.

Councilman Jaehnig: That is all I have tonight, Mr. President.

President Ertel: Thank you. Parks and Recreation Committee?

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

President Ertel: Very good. Thank you. Service Director?

Service Director- Service Director Larry Reinsmith: The only thing is just to follow up on that stimulus money for the road projects. We have to do the engineering. The drop-dead date on that engineering is December 1. ODOT plans to self-bid those projects around January 15, 2010, and then start construction probably around March of next year.

Councilwoman Peterson: Larry, are we going to need a Streets Committee meeting?

Service Director Reinsmith: Yes.

Councilwoman Peterson: Okay. Within the next [inaudible for transcription]?

Service Director Reinsmith: Because we need more money for the engineering of 68. They are putting together a proposal right now.

Councilwoman Peterson: Okay, I'll go ahead and work on that.

Scott Kirchner: Does that timeline apply to all of the stimulus money?

Service Director Reinsmith: This money is handled by ODOT.

Scott Kirchner: Okay.

Service Director Reinsmith: I think the EPA channels the money for storm, sewer and water. A lot of different departments handle the monies.

Scott Kirchner: I understand.

President Ertel: Very good. Thank you. Safety Director?

Safety Director – Nick Babb: I would like to thank council for going ahead with the COPS grant, because as you know we do have three vacancies. Filling them with General Fund monies is probably not going to happen. I am sure we have a lot of competition. A lot of police agencies are applying for it, but we're going to go for it.

A motion was made Wells and seconded by Peterson to approve the Income Tax Report – March 2009 as received.

Motion passed.

Report accepted as received.

President Ertel asked if anyone from the audience or council members wished to address council while in session.

Seeing no one wished to speak, President Ertel asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk