

Wilmington City Council met on September 17, 2009, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by McKay and seconded by Jaehnig to excuse the absent member.
Motion passed.
Absent member excused.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Wells and seconded by Wallace to approve the minutes of the last regular meeting, September 3, 2009, as received.
Motion passed.
Minutes approved as received.

President of Council – Fred Ertel: That concludes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have a lot tonight. In a press release dated September 14, the Council has been working on the project on Nelson Ave at Textron. As you know, there are several phases to that project in terms of receiving the grant. The first hurdle to be cleared is the COAF grant, as it is called, which will do the environmental assessment with Clean Ohio Assistance Funds. On September 14, we did receive that grant. We will receive \$182,834 for the first section of this, which will determine the viability of the site. We are very thankful to the Ohio Department of Development and the Clean Ohio Funds for that. I also need to give a big shout-out for Laura. She worked very, very hard on getting these grants. This was very complex. It was very time-consuming and time sensitive. They had to be done quickly and in the proper range. Thanks, Council, for the support of this. This is the first part of the legislation that you have already passed, and we did receive that grant. That is all I have. Thank you.

President Ertel: Thank you, Mr. Mayor. Committee reports - Asset, Acquisition and Use?

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

President Ertel: Thank you.

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

President Ertel: Thank you. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have several items. The first item tonight is a resolution authorizing the mayor to enter into an agreement with Honeywell International, Inc. for an energy efficiency/energy cost savings project for the City of Wilmington buildings and facilities and declaring an emergency.

A motion was made by Mongold and seconded by Popp to give the first reading only on A Resolution Authorizing the Mayor to Enter into an Agreement with Honeywell International, Inc. for an Energy Efficiency/Energy Cost Savings Project for City of Wilmington Buildings and Facilities and Declaring an Emergency.

President Ertel: Also, I would like to say that the Honeywell people are here in case anyone has any questions or anything. They are here to answer those. Is there any discussion?

Scott Kirchner: I do have some questions on the agreement.

President Ertel: That would be fine, if you want, from where you are.

Scott Kirchner: You are looking at doing three readings at this point and passing the agreement. Correct?

President Ertel: That is correct.

Scott Kirchner: First of all, I want to say that I am supportive of the effort to be efficient in our use of energy and to lower our carbon footprint...

President Ertel: Scott, one moment. If you could come to the mike, then you will be on the record. Sometimes, it does not record that far out.

Scott Kirchner: Scott Kirchner. 245 S. Mulberry Street. I am very supportive of the effort and think there is value here. But, I had some concerns in reviewing the data that I got today and wanted to come up and ask some questions on the program. Specifically, is it normal for a program like this to have a 15-year break-even timeframe?

Honeywell Representative: Yes. Probably the best place to start is to kind of rewind back to the House Bill. The House Bill program was passed back in 1994. It was called House Bill 300. Subsequently, last year, they actually modified the legislation. At one point, it was a 10-year program. Last year they modified it, at the request of one of the counties in Ohio, to allow it to be funded over a maximum of 30 years or the average life of the equipment, if you will. Under the amendment, we were able to fit more critical capital needs for the city into the program. Fifteen years is generally about as far as I would recommend someone going, particularly with buildings. We figured the conservative average life of the equipment that is being installed is somewhere around 17 years. The roof has a 20-year warranty. Is that correct? Schools have been doing 15-year programs since probably about 1994, so it is generally in the industry a pretty standard term. The federal government actually goes farther.

Scott Kirchner: Okay. Well, and the concern being that you have to get past 15 years before this begins paying back and that was my concern. It pays for itself in that 15. So, the money we spend now finally comes back totally after 15 years, but then all of these improvements and pieces of equipment have to remain in use in 100% effectiveness to the level they are going to go to now in order for us to save this money on an ongoing basis. So, it will be 15 years before we see any benefit back to the citizens from this, according to calculations. That is why I was concerned.

Councilman Jaehnig: My understanding is this allows us to put things into place that we would not have the money to put into place otherwise, as far as upgrading systems and so forth. We have quite a few of our heat pumps that are at the end of their lifespan currently, so this actually allows us to not just deal with the heat pumps but to expand our push for energy efficiency and so forth out much further. Wilmington City Schools has already done a project very, very similar to this. It was a different organization, but they have had phenomenal results with their energy savings – far exceeding what was actually projected for them.

Scott Kirchner: I understand that potential. I guess I don't understand, the city can replace its heat pumps any time it needs to, so I don't think you need this program to be able to replace worn out equipment.

Honeywell Representative: There are actually 46 water source heat pumps in this building and 40 of them will be replaced as part of this program. You have lost several over the last few years. Six of them have been replaced, I think, over the last couple of years. You also have a roof. You have just invested a significant amount of money at the Fire Station to take care of some issues internal. One of those issues that will come back to haunt you if we don't replace the roof, is the roof, with moisture. That is another critical thing. A couple of things would be a couple of generators that are definitely needed at a couple of locations. These are being added as part of the program. Again,

what we did was build a program to address some critical capital needs with energy savings from across the city. Our guarantee will cover the cost of financing. However, we believe that there is a potential upside, as much as 10% upside, on top of the savings that we are going to guarantee, which will come 100% back to the city, so there is a little bit of additional savings that potentially come back to the city. Again, the gist of the program – it has a large energy component – that is how we are making this happen, but the bigger impact on the city is what you just mentioned. It is really the capital improvements and being able to expedite those in a very short period of time and be able to leverage (I don't know how you did this, Mayor) a 5% interest rate on this money. We've kept our other options open just in case, but we have a really good interest rate on this money.

Scott Kirchner: I'm sorry, did I misunderstand? Were you indicating that it was the financing that you couldn't do otherwise. Did I misunderstand your point? Maybe that was what he was alluding to, because you can replace your heat pumps any time you need to.

Councilman Jaehnig: If we run into mass heat pump replacements and so forth, then we are looking at different ways of funding that. This will allow us not to just do heat pumps but to update our lights and to update our thermostat systems and update to LED stoplights and all of that and generators and so forth, and at the same time bringing us current, which would be much more difficult to do, and in 15 years we would be in exactly the same situation, but maybe not as current as perhaps we could be in regards to our energy efficiency.

Scott Kirchner: Potentially. I agree. Please don't misunderstand the question. This is about bang for the buck. That really is the concern. In fifteen years, will we still be in all of these facilities. Will they still be servicing our needs? Do we need them? If we don't, then we won't get that gain back on them, although I am pretty sure this building will be here. I know we are going to have a fire station out east.

Councilman Jaehnig: I know Geoffrey was involved with this, too. The schools have seen some remarkable results from the program that they put into place. What was that, four years ago, Geoffrey? Three?

Geoffrey Phillips: Probably three.

Councilman Jaehnig: That is where I am coming from. I have already worked with the schools and have seen what they have been able to accomplish with a very similar program. I was thrilled to hear that the city was looking at this.

Scott Kirchner: There was a significant difference to some of that, though, because of the types of facilities they were. There is a lot of stuff here that is on a smaller scale. It doesn't necessarily scale up the same way. I am not questioning the ability of this to save energy, okay? I am questioning the ability of it to save enough that it is worth taking the risk, because there are a number of risks associated with it. I wanted to know if it was normal for 15 years to be the break-even point. Ten percent increase, we get to positive cash-flow, probably somewhere around, if your indications are right, that you would expect 10% beyond what you are guaranteeing.

Honeywell Representative: I think it was like in year four or five, if you assume 100% of the energy savings. Actually, it is in year six you are achieving a positive at that point, if you assume 100%. The other two things that we are taking advantage here of that could go away at the end of the year are DP&L rebates on lighting and heat pumps. We can leverage those. There are a lot of questions about what those rebate programs will look like next year. They will be here, I am sure, but there are a lot of questions about how PUCO is going to react to the savings program. The other thing to keep in mind is Honeywell is backstopping this with an energy guarantee. We actually guarantee the energy savings. So, if there is a shortfall, we are going to make up that difference with a check. I am here to tell you that we are not perfect. About 1-3% of the time, we have missed the guarantee. In the City of Euclid, we nailed the first of our project, but the second phase we missed, so we had to write them a check. We did some things recently

to correct it, so we don't have to write a check for fifteen years. Again, one of the things we are doing is taking some of that risk off of the city and putting it on us to make sure that the project performs.

Scott Kirchner: I did notice that you don't guarantee at a rate below those numbers that were presented in the cost analysis, slightly. The key to this, and this is what my concern is, Councilman Jaehnig, this is a negative for the first portion of the program – 100% payback and at 5 years you stop paying more than you are today. So, we are raising the expenses to the citizens for a period of time. By the cash flow analysis in here, year nine is when you stop paying more, based on your debt service and the energy savings. So we are talking about in the analysis roughly a decade of higher costs to get to the back side where we begin to see the benefit come over that debt service, and that analysis depends on an increase in energy costs. Right now, natural gas is actually taking a dip, which you do note in your report and they have done that very effectively. But, just so everybody is aware, not only are you signing up to pay more with this debt service than you are paying in the current system, but you have some assumptions in here that have to come through. We do have a guarantee, but it is not to the level of that analysis. It is below it. So, there are valid reasons to be looking at this just a little bit harder. That is why...\$1.4 million is a lot to sign the people up for, especially when you don't see the return on it for 10 years essentially, 15, maybe 20. That is why I'm asking the questions, just so you understand where I'm at. It does make me wonder as I look through the plan. It is a very comprehensive plan. It is an aggressive plan. Can the plan be broken down into parts and have parts accepted and part not done if we look at an analysis of what made sense?

Honeywell Representative: Yes. And what we have that makes sense is what is before you at this point in time. Dave Allen and I went through this.

Councilman Jaehnig: There were many other options that are not included in the current plan.

Scott Kirchner: Yes. They had a list. A number of things that weren't done in the plan. But my question is, when you look at this, do we have equal value in all of these projects. In other words, will they pay back for the dollar invested as much? If we did half of this, could we capture three-quarters of the savings? That is the analysis that I am asking. Because when you look at this, there are some things in here that don't save energy. That is why I am asking about whether or not it can be broken down into parts. Some of them just may not be cost effective to do. And, do we have a per-project cost (because I didn't see that in there), what it is actually going to cost at each facility to then compare each facility's payback to or each project?

Honeywell Representative: What we did was, we actually provided for Mary Kay a breakdown between general fund and enterprise, because each of those has to, if you will, stand on their own. We can't move money back and forth, so we provided an analysis for her. Per se, there is not a breakdown per building. Again, what we are looking at is a comprehensive program that in total will satisfy the requirements of the law. Going back to the early discussions with the Council President and David and members of the Finance Committee, these were all projects that were critical and identified by the city as things that needed to happen. Money that is going to be spent over the next five to ten years if you do nothing. What this program does, it not only takes care of those things, leverages rebates as well as low interest rates as they stand today, but it also expedites those reductions such that you are hedged in the future against price increases in energy. Who knows what is going to happen with cap and trade. There are a lot of things in this that help really position the city in the future.

Scott Kirchner: I definitely agree with the idea of reducing our energy usage. I think those portions are real. The question I ask, when you look through the specific projects, not all of them necessarily do that. In fact, when I look through, is it normal for about 25% of the projects to be non-energy saving, because about 25% of the projects in here are non-energy savings.

Honeywell Representative: The only ones I can think of that would be non-energy savings would be the generators. That would be a safety concern and a need. Again, it

falls well under the realm of the House Bill program. The roof project is the other one, which is a very extended payback. We are adding insulation to that roof, so you are going to get some energy savings. We are also sealing up that building, which kind of complements that. Roofs tend to not to pay for themselves. We did one for Urbana, we finished one in Fairborn late last year. Again, it was unbudgeted. Particularly when it comes to a city, they have an unbudgeted capital issue, whether it is the heat pumps or the roof, you pick the poison. We are trying to find a way to self-fund that using legislation. I would say that really the generator is the only thing I can think of that...

Scott Kirchner: I was just simply going off the comments in the report. They specifically note this will not save energy. When you look at it, you have 46 total line items and nine of them specifically note they will not save energy. That is how I came to that math.

Honeywell Representative: It probably is not in terms of capital. It is not 25% of the capital in the project that is not providing energy savings.

Scott Kirchner: That is why I was asking about the specific project costs. If 25% of the money is going and not saving us energy, do we need to borrow \$1.4 or could we borrow a million? That is really the question, because the debt service, and he brings up another point. I didn't realize it until I got here and saw the note, we are throwing debt service onto our enterprise funds. Now we have had an emergency 22% increase in trash costs passed onto the citizens this year. We have just paid off water bonds to avoid having to immediately raise water rates. We are concerned about it with sewer. We are putting more debt into those funds, and we are running the risk of raising already high rates on an economically depressed city. That is one of my concerns, which I was going to get to late, but he brought the point up, so I'll make it. Because you are moving that debt into those enterprise funds, you are now potentially increasing the likelihood of having to do rate increases on the citizens, and that is a concern for me. That is why I am asking the questions. It appears that half of the major equipment in the purchase list, 7 out of 16, have a lifespan of 15 years or less. The reason I make that point is, because if you cash flow this at a break-even of 15 years...

President Ertel: We have studied this for the last two months, and I know you have just gotten your copy today. We have pretty much gone over this through the different committees and so on and so forth. We appreciate it, but can you finalize some of your comments, please?

Scott Kirchner: Well, my comments are, are we spending the people's money wisely? When I look at this, I have serious questions. You have to get to 15 years before it starts paying back citizens, and half of the major equipment purchases don't have a lifespan beyond that, so you don't get there. It is a reasonable question, I thought.

President Ertel: Sure. I understand.

Scott Kirchner: By the way, I get the meeting notices, and I don't remember seeing that this project was being analyzed. In fact, when I stopped up today to get a copy of what had been presented, it was my understanding that the final report and contract just got here today. That is what I was told.

Honeywell Representative: Just to clarify that. We actually provided a contract for the Finance Committee meeting on Monday. You received it the day after the holiday, so you would have time to review it by the 14th. We delivered our report on Monday. Geoffrey asked us to remove a split system for a data center that was in there and let the courts handle that separately, so we redid the contract and all of the documentation and delivered it to David yesterday. This thing has been back and forth. We have had two finance committee meetings and then a couple of the council members [inaudible for transcription] from the outset, as well as David, reviewed RFQ processes.

Scott Kirchner: Well, I was unaware that you were going through this project or, obviously, I have interest and would have been involved. It would seem the need to pass emergency legislation tonight in three readings entering into this agreement and in three

readings borrowing \$1.4 million dollars that really made me wake up to its importance, I guess.

President Ertel: I know.

Scott Kirchner: The other thing is I read through this and it appears that the city had already started down a path of converting traffic signals that would save, according to the calculations here, 20% of the energy savings that we are getting. We already were doing this for 20% of it, and I am curious why we did not continue that and why we are wrapping it into this project based on the numbers. I do understand that there are rebates associated with that.

Honeywell Representative: Absolutely. Again, you know that is an excellent comment. We get that commonly with lighting with traffic signals because those are traditionally things that cities and schools and counties and the state do already. The reason to capture them in here is twofold: To expedite the implementation, because those tend to happen over time. We have one large city to the south that may never get theirs done before the technology changes because there are so many intersections. The other reason we do that is it helps support things like roofs that have 40-year paybacks or where we replace a few windows over at one of the Fire Stations. Again, it is a no-brainer, but it is driving the savings under the legislation to help support those longer payback projects, to build a cash flow model that works. You take those out of the mix and suddenly you have a project that will not fund itself and the city is kind of back where they are today.

Scott Kirchner: Well, and part of that is my concern because some of these projects are not energy related. They are street projects in here to upgrade intersections. Not that I disagree with the idea of safety and pedestrian signals, but wrapping it into this \$1.4 million dollars and it doesn't save any energy seems odd to me. That is one of the things I am questioning. We seem to be spending money to create backup electric at noncritical facilities – the generators we're talking about. We are putting in generators at facilities that are not emergency service. I am asking the question. We are buying equipment, we are adding to this cost, we are adding to our maintenance budget, and technically, we are...

Mayor Raizk: Let me respond to the generators. The one is at the service garage, which is actually very critical because without that generator we can't fuel all of our vehicles. We ran into this problem when we had the hurricane come through. The generator at the service garage is a World War II surplus generator that we have had for I don't know how many years – 40 or 50 years. We realize that it is very critical and that we need to upgrade that. The one at the taxi facility is because, number one, we also learned during the hurricane a year ago that transportation was very critical to our needs to help the community out, especially when people could not get fuel and could not get anything. We also designate that as our safe haven as a place to take people if we would have shelter people. That is the other part of it. They are both critical if you can understand the reason why we are doing this. The taxi facility is what we have designated in the future if we need a place to take folks to shelter them if they have been put out of their houses. It is a safe place.

Scott Kirchner: I would anticipate we have backup generation at the municipal building because we have dispatch here. We have backup power at the fire station. All of those make sense to me. We seem to have facilities that have plenty of capability to serve as an emergency shelter that already have it. I am asking the questions. With the current economic downturn, with this adding debt and mortgaging our future, I just think we need to be really looking at whether or not we need to spend all of this money, because not all of these things do save energy. That is my concern. If we want to put these things into budgets and do them slowly over time, that would be fine. I would like to encourage council to take a slower approach to this. If your goal is to get done by the end of the year and capitalize on current rebates that are out there, I think you can still get that done. I think there is some pork in this. I think you can reduce the cost and the risk to the citizens in rate increases, in debt service...

President Ertel: Just one comment there. Pork may not be the right term to use.

Scott Kirchner: Well, compared to the goal, which is energy savings, there are some projects here that have nothing to do with energy savings.

President Ertel: But it is good timing to get this done.

Councilman Jaehnig: I am confused about your statement about going slower being safer for our citizens.

Scott Kirchner: Taking a little bit more time to analyze this data, to ask the questions, to look at a project-by-project payback, perhaps choosing a portion of these that are specifically energy benefit, looking at getting a sooner payback and not risking as much to the sewer, water and trash funds, just making sure that we are doing something effective. Because, as we have noted, there are a number of projects in here that are not energy efficient. They don't save anything; they just cost. My question is, in these tough economic times, with some of the highest utility rates in southwest Ohio and with the potential risk of not having good economic growth, not creating jobs with this, and, in fact, potentially creating detriment to new jobs coming here, I think we should slow down.

Councilman Jaehnig: How would...?

Scott Kirchner: Because if you have the highest rates in southwest Ohio, Councilman Jaehnig, why would a business want to locate here? That's why. We are not attractive if we're the most expensive place to run your operation. If we are putting the city in debt and lowering our capability to invest in an industrial park or something like that because we are servicing this debt. We are also putting ourselves at a disadvantage. There are just some simple analyses in my mind, and that is what I mean by that statement. I understand...

Councilman Jaehnig: I respect your opinion. I disagree with it, but I respect your opinion.

President Ertel: Okay. Thank you, Scott.

Scott Kirchner: I would encourage council to slow down and take this back to committee.

President Ertel: Thank you very much.

Councilman Wells: May I ask a question as well?

President Ertel: Yes.

Councilman Wells: Why is it an emergency?

President Ertel: Why is it an emergency?

Councilman Wells: Why is this an emergency?

Mayor Raizk: When it is financial, it is always an emergency, because it goes into effect immediately.

Scott Kirchner: It is not required to be, correct? I understand an emergency makes it immediately go into effect. I believe the question is, is there a reason why this must be an emergency?

Councilman Wells: Is there?

Mayor Raizk: We have some deadlines that we have to meet.

Honeywell Representative: A couple of things. We have spent a lot of time working on this. We have firm pricing. We have to get the roof done or we are going to be in serious trouble before the winter sets in. Again, we have spent... When was the RFQ issued?

David Allen: June.

Honeywell Representative: Since June. Again, we haven't done this at a quick pace. We have done this, I think at a reasonable pace. A lot of these things that ended up in there were based on what the city wanted to put in. This is not a Honeywell program. We provided the guidance and the engineering to put the program together, but this is a city program.

Paul Hunter: Will 30 days make any difference?

Sandy Mongold: Well, we also have limits with the bank as to how long they will secure that low rate of interest.

Honeywell Representative: The interest rate is the other thing...

Paul Hunter: Will 30 days make any significant difference?

Honeywell Representative: Yes, I think so. We actually had a couple of banks drop out from the time we issued the report until today.

Councilwoman Mongold: Are there any other questions?

President Ertel: I have a motion and a second for the first reading, correct? Very good. We have had discussion. All in favor, signify by saying "Yea."

Motion passed

Director of Law read 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, no; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, no; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2166 passed as read.

Councilwoman Mongold: The second item tonight is a resolution authorizing the mayor to enter into a loan agreement with National Bank & Trust in Wilmington, Ohio, for a loan not to exceed \$1,400,000 for fifteen years at a fixed interest rate of five percent per annum to complete an energy efficiency/energy cost savings project for the City of Wilmington buildings and facilities and declaring an emergency.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Loan Agreement with National Bank & Trust, Wilmington, Ohio, for a Loan not to Exceed \$1,400,000 for Fifteen Years at a Fixed Interest Rate of Five Percent per Annum to Complete an Energy Efficiency/Energy Cost Savings Project for City of Wilmington Buildings and Facilities and Declaring an Emergency.

Motion passed

Director of Law read 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; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2167 passed as read.

Councilwoman Mongold: The next item tonight is an ordinance establishing a new fund, Honeywell Project.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund.

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4869 passed as read.

Paul Hunter: Mr. President. Maybe I misunderstand, I thought we needed six to do an emergency – six “yes” votes.

President Ertel: The difference is between a resolution and an ordinance. For an ordinance that is true; for a resolution that is not true.

Paul Hunter: We have an emergency resolution?

Mayor Raizk: The super-majority is for the suspension of the rules; not the emergency. There are two separate things, and with the resolution it does not take the super-majority, where it does an ordinance.

Councilwoman Mongold: We have an ordinance making miscellaneous transfers.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4870 passed as read.

Councilwoman Mongold: The next item is an ordinance making supplemental appropriations.

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

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4871 passed as read.

Councilwoman Mongold: The last item tonight is a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax

levies and certifying them to the County Auditor. This is a yearly process to certify our levies with the county.

A motion was made by Mongold and seconded by McKay to give the first reading only on a resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Motion passed

Director of Law read 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; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law 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; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2168 passed as read.

President Ertel: Anything else?

Councilwoman Mongold: No, thank you.

President Ertel: Thank you very much. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: We have one item, Mr. President. Our convener is not here this evening, so I will take her role. We have found some money in the Local Transportation Improvement Fund and we would like to request the mayor apply for these funds to do some improvements on Prairie Avenue. We all know we have needed curbs and sidewalks out there for a long time. If council could pass this in three readings, we could get those done.

Larry Reinsmith: I would like to address a couple of things on that. The part we are talking about really begins just past Timbertech. In years past, that was outside the city. That area was annexed in and it reduces down to about 10-foot lanes once it gets beyond that point, without curb and gutter. This project, if we can get it funded, would widen that roadway and it would extend out to basically where the incline begins at the overpass – at the bypass. It puts curb and gutter and makes it 12-foot lanes, with a drop-off lane onto Lowes Drive. Then, we would construct an 8-foot combination sidewalk/bikeway from Lowes Drive to come down and meet where the existing sidewalk is. It is a real safety issue. We have mothers out there with strollers. We have elderly people with scooters out there. I can see that once that bypass gets built and it is rather high, people are going to come flying over there and we certainly don't want people walking there. The problem is that the county only has so much money in its funding round. There are two good projects that are ahead of us – one is in Blanchester and one is in Sabina. They are sewer projects. They have some additional points because they are both under findings and orders with the EPA. This is a good project. It scored well, so we want to at least go ahead and submit it and maybe the district might go a little generous and fund this project too. They seemed to take a lot of money during the last round, so they might let us have some more money this round. All we can do is try to get the funding. This was put together fairly quickly.

A motion was made by Wallace and seconded by Wells to give the first reading only on a resolution Authorizing the Mayor to Apply to the Ohio Public Works Commission for LTIP Funds for \$269,725 for the Prairie Road Reconstruction Project and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

[There was a brief discussion regarding the amount requested. Larry Reinsmith verified that the amount in the ordinance (\$269,725) was the correct amount.]

A motion was made by Wallace 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; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes. Director of Law read the resolution by title only.

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

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

President of Council declared Res. No. 2169 passed as read.

Councilman Wallace: That is all I have.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda this evening; however, everybody should have received a Second Quarter Recycle Report and part of the third quarter is also listed on the back. Are there any questions? That is all I have, Mr. President.

President Ertel: Thank you. Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: Nothing, Mr. President.

President Ertel: Very good. Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: We have three items, Mr. President. The first one is the second reading on a resolution authorizing the submittal of a proposal with the Ohio Department of Transportation for a grant through the US DOT Federal Transit Administration, all referring the Wilmington Transit Authority.

A motion was made by Popp and seconded by Mongold to give the second reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the US DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, as Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Funds Available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled Transit Fare Assistance Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the third reading be on the Agenda for the next meeting.

Councilwoman Popp: Our second item is the second reading on a resolution authorizing the execution of the a contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and declaring an emergency.

A motion was made by Popp and seconded by McKay to give the second reading only on a resolution Authorizing the Execution of a Contract with the Ohio Department of Transportation for the 2010 Elderly and Disabled Transit Fare Assistance Program and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Popp requested that the third reading be on the Agenda for the next meeting.

Councilwoman Popp: We have the first reading on a resolution adopting a City of Wilmington mini revolving loan fund to provide loans for...

[Transcription Interrupted.][END OF TAPE]

A motion was made by Popp and seconded by Mongold to give the first reading only on a resolution Adopting a City of Wilmington Mini Revolving Loan Fund.

Motion passed

Director of Law read resolution by title only.

Popp requested that the third reading be on the Agenda for the next meeting.

Councilwoman Popp: That is all, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Councilman Jaehnig: We have just one item tonight, Mr. President. We are going to do the first reading on an ordinance dealing with dangerous animals and exotic wild animals. At our next meeting, we will have a specialist in to discuss the ordinance and the things that are going on. For those who are not aware, we had some real issues pop up at an apartment in the community just recently where we had 17 exotic wild, some poisonous animals, in a very small apartment. Upon discovering that, when we went to review our ordinances, we found that we were lacking and not up to date in regards to that. We want to make sure that we are protecting our service departments, police, fire and so forth. The last thing we want to do is respond to an emergency and find that we have everything from poisonous snakes to monitor lizards and king scorpions and boas and many other wonderful animals. The really nice thing I like about this ordinance is that it takes a hard look at dangerous species, to anything that is on the endangered species list in the State of the Ohio, to the United States or the world, will be banned for owning inside the city limits. That will help us keep these under control out there.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Rescinding Codified Ordinances §507.01 and §§507.03-06; Amending §507.02 and Adopting New Codified Ordinances in Chapter 507 Regarding the Keeping, Possessing, Harboring, Maintaining, Custody or Control of Exotic, Wild and Vicious Animals in the City of Wilmington.

Councilman Wallace: Can I ask a question?

President Ertel: Certainly.

Councilman Wallace: Define harboring or maintaining.

Councilman Jaehnig: I think that is a good question for our specialists.

Councilman Wallace: I notice that some of the new animals that it lists on here are deer. We just went through this thing about people not feeding the deer. I think that it is interesting that deer are listed in this particular ordinance that we are passing. So, I guess the point that I am making, is do we [inaudible for transcription] if people are feeding the deer.

Councilman Jaehnig: That is something that we specifically discussed in the committee meeting this week in regard to that. Most of your national parks and state parks have laws in place forbidding the feeding of the wild animals, specifically for those purposes.

Mayor Raizk: I think it would fall into harboring.

Councilman Wells: I would like to say something. We did not talk about feeding deer while we were talking about this ordinance. We talked about feeding deer when we discussed the deer problem in the city, which was the second item on the agenda.

Councilman Jaehnig: Actually, Don, that is not correct. We did discuss...

Councilman Wells: I would like to have a copy of the tape, then.

Councilman Jaehnig: That's perfectly fine. We're only doing the first reading tonight and we will have a specialist in next week, but one of the things that was discussed was different measures that would be taken. Most of our parks in the country and the state have laws in regards to feeding wild animals to prevent the over-familiarity with humans.

Councilman Wells: We didn't talk about feeding deer in the exotic and wild animal ordinance.

Scott Kirchner: Is it the intent of the city to start ticketing people found feeding deer?

Councilman Jaehnig: No.

Clerk Laura Curliss: It is about controlling...

Paul Hunter: [Inaudible for transcription] exotic animals. Deer aren't part of that. They are a separate thing.

Councilman Wells: If a deer comes onto my property and eats a hosta, I don't see how I can be prosecuted.

Councilman Wallace: We were talking about putting out a salt lick and putting out food.

Councilman Wells: But that was in the deer ordinance that we were talking about. Second on the agenda.

Paul Hunter: You don't own the deer. You own an exotic animal. It is a different thing.

Law Director Hapner: Before I read it, I want to say that I am very glad we are banning wolverine.

[Laughter]

President Ertel: Well spoken by a Buckeye.

Mayor Raizk: The monitor lizards...the whole concept is that they bite you and then they just stay there until you die. They watch you. Are you dead yet?

President Ertel: We have a motion and a second. All in favor, signify by saying "Yea."

Motion passed

Director of Law read ordinance by title only.

Jaehnig requested that the second reading be on the Agenda for the next meeting.

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

President Ertel: Thank you.

Scott Kirchner: Mr. President. For the record, are gators also banned?

[Laughter]

President Ertel: They could be. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Leilani Popp – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

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

President Ertel: Excellent. Thank you. Mr. Service Director?

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Okay. Thank you. Safety Director?

Safety Director – Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Jaehnig and seconded by McKay to approve the Auditor-Treasurer's Report – August 2009 as received.

Motion passed.

Reports accepted as received.

President Ertel: At this point, I would like to open the meeting up to the general public and/or members of council to address council while in session.

Paul Hunter: Paul Hunter. 200 Randolph Street. At the last meeting I asked the mayor to look into the spreadsheet for the code enforcement. Did you have any luck with that?

Mayor Raizk: We are looking at it and trying to come up with some kind of report.

Paul Hunter: I have a copy of the old one if you want it.

Mayor Raizk: We have that. It is a little bit different format than we were using before, so we are looking into.

Paul Hunter: It is better than a file cabinet full of that stuff.

Mayor Raizk: We are looking at coming up with a report. We are trying to design something.

Paul Hunter: Do you have a timeframe, more or less?

Mayor Raizk: As soon as we can.

President Ertel: Anyone else?

Councilman Wells: Mr. President. On the table tonight is a paper. The Clinton County Youth Council is having a disc golf tournament on September 26 with a tee time starting at 10 am. If anybody is interested in disc golf, please take one of these and sign up. Thank you.

Mayor Raizk: Since we get to talk about golf tournaments...this is a function of the Elks Club that has been called the Mayor's Tournament for many years. Everybody has a good time. It is for men and women, so if anybody would like to play...the proceeds are always given to a local charity. Last year it was the homeless shelter. I don't know who the Elks have selected this year, but the proceeds do go to that. There is lunch at a very reasonable cost. We usually have a lot of fun. It is going to be October 4 at 10 am, so if you are interested, sign up at the Elks Club and they will get you a foursome lined up if you don't have one. It is a shotgun start at 10:00.

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

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

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk