

Wilmington City Council met on Thursday, November 5, 2009, with President Pro Tem Sandra Mongold presiding.

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

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

Chief Hatten was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by Peterson and seconded by Jaehnig to approve the minutes of the last regular meeting, October 15, 2009, as received.
Motion passed.
Minutes approved as received.

President of Council – In the absence of President Fred Ertel, President Pro Tem Sandra Mongold: Good evening and welcome. Mr. Mayor?

Mayor – Mayor Raizk: No report.

President Pro Tem Mongold: Thank you. Asset, Acquisition and Use.

Asset, Acquisition and Use –Chairperson Sandy Mongold: I have no report.

President Pro Tem Mongold: Auditor?

Auditor – David Hollingsworth: I have nothing.

President Pro Tem Mongold: Thank you. Finance Committee.

Finance Committee – Chairperson Sandy Mongold: I have a report. The first item we have tonight is an ordinance establishing a new fund.

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; Peterson, 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 Popp to pass the ordinance as read.

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4879 passed as read.

Chairperson Mongold: The second item we have tonight is an ordinance making miscellaneous transfers. Are there any questions?

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

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

President Pro Tem of Council declared Ord. No. 4880 passed as read.

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

A motion was made by Mongold and seconded by Jaehnig 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 Peterson 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; 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; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes.
Motion passed.

President Pro Tem of Council declared Ord. No. 4881 passed as read.

Chairperson Mongold: The last item tonight is an ordinance authorizing the issuance and sale of notes of the City of Wilmington in the principal amount of \$1,353,708 for the purpose of funding energy conservation improvements to the city buildings and facilities under the Revised Code Section 717.02, and other lawful costs incident hereto, and declaring an emergency. This is an additional document that we need to pass this evening to allow the city to move forward on the financing for the Honeywell project. Work is currently being completed, so it is very important that we endorse this document because we have bills to Honeywell to pay. A closing is scheduled at the banking facility tomorrow. In addition to the two previous documents legislated (one was the resolution to enter into the agreement with Honeywell, and the second was to enter into the loan agreement with National Bank & Trust), we need to pass this ordinance to allow the bank to secure the tax-exempt nature of the note. Are there any questions?

A motion was made by Mongold and seconded by Peterson to give the first reading only on the ordinance Authorizing the Issuance and Sale of Notes of the City of Wilmington in the Principal Amount of \$1,353,708 for the Purpose of Funding Energy Conservation Improvements to City Buildings and Facilities Under Revised Code Section 717.02, and Other Lawful Costs Incident Thereto, and Declaring an Emergency.

Motion passed

Director of Law read 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; 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; Peterson, yes; Popp, yes; Mongold, yes; McKay, yes.
Motion passed.

President Pro Tem of Council declared Ord. No. 4882 passed as read.

Chairperson Mongold: We do need to have a Finance/AAU meeting combined, and it will either be Monday the 9th or the 16th. We will be getting with you on that. Water Committee?

Water Committee – In the absence of Chairperson Mike Wallace, Councilman Jaehnig: We have nothing to report.

President Pro Tem Mongold: Okay. Streets Committee?

Streets Committee – Chairperson Peterson: We have nothing to report, but I do have a question for the Service Director. To your knowledge, when are they planning to open

Prairie. The reason I am asking is because there have been some comments about a potential light or something to slow traffic down at Lowes. How eminently do we need a committee meeting?

Service Director Reinsmith: That bridge was going to open in December. I was talking to somebody the other day and they told me that some engineers had messed something up on it and they have to make about a \$50,000 correction. Now it may not be until after the first of the year before they open that.

Councilwoman Peterson: Laura, can we go ahead and schedule a Safety Committee meeting sometime after the budget process.

Clerk Laura Curliss: Streets?

Councilwoman Peterson: Streets. Excuse me.

Service Director Reinsmith: I doubt if a light will be warranted, but maybe a three-way stop possibly. We've talked about that traffic coming over that bridge, and there is a little distance between the bottom of that bridge and the intersection, but it goes from 55 miles per hour to 25 mph just like that. I think we also need to talk about raising the speed limit on Prairie too.

Clerk Laura Curliss: After the Budget Workshop?

Councilwoman Peterson: Yes. After the Budget Workshop. Let's get that out of the way and [inaudible for transcription] first of the year [inaudible for transcription]. Thank you.

President Pro Tem Mongold: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: No report tonight.

President Pro Tem Mongold: Wastewater/Sewer?

Wastewater/Sewer Committee: Chairperson Mark McKay: We have a couple of things tonight which we are just going to be giving first readings on. The first one is a resolution authorizing Wilmington to file the application to participate in the Clean Ohio Revitalization Fund. Are there any questions?

A motion was made by McKay and seconded by Peterson to give the first reading only on a resolution Authorizing the City of Wilmington to File an Application to the State of Ohio, to Participate in the Clean Ohio Revitalization Fund.

Motion passed

Director of Law read resolution by title only.

McKay requested that the second and third readings be on the Agenda for the next meeting.

Councilman McKay: The next item is the ordinance authorizing the continued deferral of the sewer rate increase and authorizing the deferral of [inaudible for transcription]. Are there any questions?

Scott Kirchner: Is there a reason not to just cancel those rate increases?

Councilman McKay: Would there be a reason? I think that this gives us an opportunity to go back and look at it. [inaudible for transcription].

Scott Kirchner: We do that every year anyway, correct? Look at rates [inaudible for transcription].

Councilman McKay: But this is already in place, and we choose to do it this way. I appreciate your questions. Are there any other questions?

A motion was made by McKay and seconded by Popp to give the first reading only on a resolution Authorizing the Continued Deferral of the Sewage System Rate Increase Scheduled for January 1, 2009, and Authorizing the Deferral of the Sewage System Rate Increase Scheduled for January 1, 2010, for a Period of One Year, and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

McKay requested that the second and third readings be on the Agenda for the next meeting.

Councilman McKay: That is all I have.

President Pro Tem Mongold: Thank you. Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: No report.

President Pro Tem Mongold: Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We do have an item this evening. We are up for the third and final reading of the exotic animal ordinance. We do need to amend this ordinance before we have the third and final reading. After the last Safety Committee meeting, we have added, or I should say subtracted, the length of time of the animals that are grandfathered in and have changed it to the standard life expectancy or the duration of the life of that animal. We did not approve the amendments at the last meeting on the changes of adding the disclaimer that feeding wild animals while not trying to control them is not a violation of this particular ordinance in regards to harboring. I first need to ask for the motion to amend the ordinance.

A motion was made by Jaehnig and seconded by Wells to amend the ordinance.

Motion passed.

Ordinance amended.

President Pro Tem Mongold: Before we continue, are there any individuals in the audience who would like to comment on any new information that has not been presented before. Would you please come to the podium and state your name and address?

Elmer Williams: 181 W. Main Street. I just want to be very clear on something here, and I brought it up the last time, but the cost of the permit for a grandfathered animal shall be \$25. I have a permit now; do I need to get another one?

Clerk Laura Curliss: No.

Elmer Williams: Is this one permit good? Okay. I just wanted to make sure that I had this right. Okay. That is the only question I had. That works for me.

President Pro Tem Mongold: Thank you. Are there any other questions or comments?

A motion was made by Jaehnig and seconded by Peterson to give the third 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, as Amended.

Motion passed

Director of Law read ordinance by title only.

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

Motion passed.

President Pro Tem of Council declared Ord. No. 4883 passed as read.

Councilman Jaehnig: I would just like to thank everybody for the patience in working through this and making sure that we got it right. I know we had a few extra committee

meetings, but I am still happy that we got this completed in a timely manner. Thank you. That is all I have.

President Pro Tem Mongold: Thank you. Downtown Revitalization?

Downtown Revitalization Committee - Convener Leilani Popp – No report.

President Pro Tem Mongold: Parks & Recreation?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, Councilwoman Peterson –We have no report.

President Pro Tem Mongold: Service Director?

Service Director- Service Director Larry Reinsmith: Just a couple of updates. Our Warren Drive project is nearing completion. We have all of the sewer in, and they will be pouring all of the new curb Monday and should be paving probably within a week of the curb being poured on Monday. So, in about another seven or eight days we will have that street finished and completed and take that big dip out of there. The alley next to the Little Giant should be completed tomorrow. We poured curb today and they will pave the base course in the morning and finish coat in the afternoon. Nelson Avenue project will start Monday. They will be doing all of the storm sewer construction here in the fall. They will tear no curb out or no pavement out until the spring, so we will not have a torn-up street during the winter months. That is all, Mrs. President.

President Pro Tem Mongold: Thank you. Safety Director?

Safety Director – Nick Babb: No report.

Reports:

A motion was made by Jaehnig and seconded by McKay to approve the Income Tax Report – October 2009, as received.

Motion passed.

Reports accepted as received.

President Pro Tem Mongold: Now, if there are any comments from the floor, would you please come forward and state your name and address?

Delores McGee. My name is Delores McGee. 384 Doan Street. Is Larry here?

Service Director Reinsmith: I'm Larry.

Delores McGee: Oh, you're Larry. I've called you and talked with you.

Service Director Reinsmith: We talked once.

Delores McGee: I know we talked, and I didn't remember you from before. Anyway, I am here to... I live on Doan Street. As you come off of Grant and turn left, I am in the third house down. There are two houses, 346 and 364, and they have lots of... There is an old car that is parked in the back and all kinds of other stuff. I don't know what it is. I was talking to Cindy. Cindy has been very helpful to me. She has been coming out and looking at it, and I think at one time they did kind of move stuff around, but now there is more stuff. All I want to do is get rid of the cars and all of the junk, because from my back to over to there, I look at this every day.

Councilman Jaehnig: It is in the back yard?

Delores McGee: Yes. It is in the back yard. If you are looking at the front, you can't see...you have to go around to the back and look at...

Mayor Raizk: I know we got that stuff moved once, but it is all back in there?

Delores McGee: Right. I don't know if this is permitted or not, but he has lots of wood stacked on the front porch – all kinds of wood – but then he has this wood stacked on the front porch. I don't know whether that is allowed. That is why I am here – to try to get things moved around. I would appreciate if somebody could kind of help me fix my street. I keep my property nice, and I would like to get it cleaned up on that corner. It is a bad corner. I don't know if you ever drive down that way. You may not have any reason for coming down that street, but if you do... Sometimes I think that Doan Street and Grant Street are not part of Wilmington because it is all messed up.

Mayor Raizk: How about the other property. Is it all right?

Delores McGee: Which one?

Mayor Raizk: The one on the other side. You said there were two properties.

Delores McGee: 345 and 364. Those are the only two before...

Mayor Raizk: It is just the one property. It is not both of them?

Delores McGee: Yes. Both of them. Just the two houses.

Mayor Raizk: Okay. They both have problems.

Delores McGee: Yes.

Mayor Raizk: Okay.

Delores McGee: One is a little bit better than the other one, but the one that has the wood on the porch and abandoned car and all that stuff in the back. So, if I could get some help I would really appreciate it very much. Thank you.

Service Director Reinsmith: Sometimes we get complaints about things that are laying in the yards and things that are laying on porches. I know the Law Director can probably answer this, but it is not necessarily trash and it is not necessarily illegal. You may not like looking at it. I'm not talking about a car. I said "some things."

Delores McGee: Well, what do you call trash? I mean, I'm not talking about trash...

Service Director Reinsmith: Well, you said a stack of lumber. That is not trash.

Delores McGee: I said on the porch. On the porch there is lots of wood.

Service Director Reinsmith: That doesn't make it illegal.

Delores McGee: Okay. I'm just addressing this. You just tell me what to do because I've talked to you about this.

Service Director Reinsmith: I know.

Delores McGee: It seems like nobody hears, you know. I'm talking about the abandoned cars in the back. I'm talking about all of the other debris that is in the back of the house. I think if you lived there, you wouldn't want to look at this all of the time. It's like this. If it is not next door to you, it doesn't matter. Even my neighbors, they tell me, "Poor Dee. I feel so sorry for poor Dee." It's their neighborhood too, but I can't get them to come and address and tell you.

Mayor Raizk: We'll do what we can.

Delores McGee: I'm the one who has to look after my neighborhood. I'm the only one. I asked them to come and they say, "What for?" That's it. I appreciate any help I can get. Thank you very much.

Multiple Council Members: Thank you.

President Pro Tem Mongold 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 Pro Tem Mongold asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk