

Wilmington City Council met on Thursday, February 18, 2010, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by Wells and seconded by Mead to excuse the absent member.

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

Councilman Wells: Mr. President? On page two, where it says "Streets Committee - Councilman Wallace" that should be "Councilman Wells" right there. I think on the rest of the question and answer part, everything is okay.

President Ertel: Okay. It is just switching your name for his.

Councilman Wells: Yes.

President Ertel: Okay, would you like to put that into a motion?

A motion was made by Wells and seconded by McKay to amend the minutes of the last regular meeting.

Motion passed.

Minutes amended.

A motion was made by Jaehnig and seconded by Peterson to approve the minutes of the last regular meeting, February 4, 2010, as amended.

Motion passed.

Minutes approved as received.

President of Council – Fred Ertel: Okay, I believe that concludes my portion. Just a reminder – tomorrow is the big kickoff for the bicentennial at 10:55 at the courthouse. It is going to be a wonderful year to be in Clinton County – there's no doubt about it – because there are going to be so many grand things going on throughout the whole county that we all can be involved with and so on. It is going to be a wonderful time, and the kickoff is tomorrow. That completes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I don't have any legislation or anything to report on that respect, but I just would like to give a public shout-out to all the Service Department employees. They have done a terrific job. And, I know not everybody is always happy, but given the task they had to do, they did great. It's not just the Service Department, everybody pitched in from the other departments as well. Every pickup truck that can hold a blade, we usually hang a blade on. They also helped. We had one stretch where they worked 30 hours straight. So, I want to publically thank them for everything they did. I was able to go to some out-of-town business and I think we looked pretty good compared to a lot of places. I just wanted to give them a shout-out, and also give a shout-out to all of the safety personnel as well for the extra strain and stress on them. That is all I have.

Paul Hunter: Mr. Mayor.

Mayor Raizk: Yes.

Paul Hunter: I would like to second your things. I had a personal experience. I watched all the driveways that they normally push close; they came back when they had time and cleaned out all of those approaches. It was a super thing.

Mayor Raizk: Yes. They really did a great job.

Paul Hunter: It was much appreciated.

Mayor Raizk: Thanks for saying that, Paul. I did have a few calls. I had some calls that said “Hey, I got plowed in.” I said, “Hang on...we’ll get you,” and sure enough they went around and bailed a lot of folks out. It was a tremendous amount of snow, and it was a wet snow, which means it was heavy and hard to push, but they did a good job. Thank you.

President Ertel: Very good. Thank you. Moving into 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: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We have four items this evening. The first item is an ordinance creating a new fund, the COAF grant. That is the Clean Ohio Assistance Fund- #637.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund (COAF Grant #637).

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4898 passed as read.

Councilwoman Mongold: The second item tonight is an ordinance creating another new fund, Community Corrections Fund #287.

Councilman Wells: Can I ask a question? What is this community corrections?

Councilwoman Mongold: Do you remember, a month or two ago, we had a discussion about the court bringing in an individual from court to do the position of probation because the county is not doing that anymore. We did receive some grant funds that will fund one-half the salary for the existing person along with the additional.

Councilman Wells: Yes, I do remember that. Thank you.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Establishing a New Fund (Community Corrections Fund #287).

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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4899 passed as read.

Councilwoman Mongold: Item C is an ordinance making supplemental appropriations. Are there any questions?

Councilman Jaehnig: The final two items, those are coming from the General Fund?

Councilwoman Mongold: Yes.

Councilman Jaehnig: Those were not included in the original budget.

Councilwoman Mongold: No. The Director of Law's office did not submit a budget and the Deputy Auditor took figures from last year and they had not allocated any training. They need it to do requirements of their positions.

Law Director Kathryn Hapner: Actually, I just told Mary Kay that we would have the same budget this year that we had last year. As attorneys, we are required every two years to have 24 hours of continuing legal education. If we don't have it, we lose our license, so we have to have the training and education. Except for one time, we have always done our training in Columbus, so we don't go anywhere exciting and fun.

Councilman Jaehnig: So, you just forgot to put it in your budget.

Law Director Kathryn Hapner: No, I didn't forget to put it in my budget. It was in my budget last year. When I get the spreadsheet from Mary Kay, I change some things and send it back to her. Apparently, I don't have Excel. So, when I sent it back to her it didn't get back to her. So, we talked and I said "I'll just have the same budget for this year that I had last year," and she said "Fine." Well last year, I had that in my budget, but apparently, she said that she just flashed things out. That is just one of the things that she just flashed out.

Councilman Jaehnig: What does "flashed out" mean?

Law Director Kathryn Hapner: Took it out. Cut it. Because the mayor had said that there would not be any training or education expenses this year, which is fine for most departments, but for my department, because we have to have that...it isn't a choice for us. We have to have it in there. I mean, Davey and I talked about this...

Mayor Raizk: Yes. Just like you said, it was one of those things that kind of got short-shifted. It's not a problem.

Councilwoman Mongold: Are there any other questions?

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

Motion passed

Director of Law 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4900 passed as read.

Councilwoman Mongold: The last item tonight are two transfer items.

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 Jaehnig 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; Mead, 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; Mead, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 4901 passed as read.

Councilwoman Mongold: I would like to request when Lauren researches all of the property taxes, that she or somebody research the property taxes on the tennis courts.

Clerk Laura Curliss: It is already in process. It is already on its way to Columbus.

Councilwoman Mongold: Thank you.

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

Water Committee – In the absence of Chairperson Mike Wallace, there was no report.

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have one item. Just to kind of give you some background. This legislation is part of the stimulus funds for 68. ODOT surprised us as we went through the process, and we were going to have to find a way to legislate for the \$250,000. We struggled with this – we could either walk away from it or, if the bids came in under the estimate, we would be fine. If they came in over, we knew we didn't have the money in the general fund. If it came in over, we would have to cut part of the project or, as I said, walk away from it. We decided as a committee to go ahead and move forward with a plan A and a plan B. We went ahead with the legislation as we did during the last meeting. Thank you Councilman Wells for taking the lead on that. We also had a plan B, and that was to have the mayor approach ODOT to see if there was some way we could get the \$250,000 removed from our portion. I came in tonight to a very delightful message from Larry Reinsmith. I just want to go ahead and read it so everyone has the same background.

During the last meeting of council, several questions were asked concerning the additional \$232,000 being required by ODOT for the US Rte 68 project. It was stressed that there was no room in our budget for any additional expense. At that time, I said I would get with the mayor to see if we could get some help from ODOT, which is basically what we discussed in the committee. We did talk and he made several phone calls. The next day, I received from ODOT a revised contract with the revised balance due of \$0. During these tough times, we hear a lot of negativity and a lot of empty promises. Through all of this, the mayor has always been positive and hopeful that our community will overcome these tough times and continue to be the great community it always has been. Thanks should be extended to the mayor for another job well done and also to Hans Jindal, Director of District 8 of ODOT, who has been a good friend to Wilmington for many years. We are hoping to keep this project and the city moving in a positive direction.

Larry Reinsmith, Director of Public Service.

Councilwoman Peterson: So, I need to amend the legislation that we passed last time to show a balance of zero, so I am going to make a motion for that, and then I am going to ask for second and third readings to go ahead and move this forward. Are there any questions?

A motion was made by Peterson and seconded by Jaehnig to amend the resolution.

Motion passed.

Resolution amended.

A motion was made by Peterson and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution (Final) Allowing the Ohio Department of Transportation to Perform Work on S.R. 68 in the City of Wilmington and Authorizing the Mayor to Sign a Contract for the Same, as Amended, by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2189 passed as read.

Councilwoman Peterson: That is all we have. Thank you.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have no report tonight, but I would like to thank the landfill sanitation workers for picking up the garbage during the blizzard. I think they did a great job, as well as the Street Department. That is all I have. Thank you.

Councilwoman Peterson: Don, they even delivered recycling bags in the middle of that.

President Ertel: In the middle of a blizzard. Very good. Thanks, Don. Wastewater/Sewer Committee?

Wastewater/Sewer Committee: Chairperson Mark McKay: No report.

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have one item on the agenda tonight, Mr. President. It is an ordinance rescinding codified ordinance 1307 and adopting the flood insurance study of Clinton County, Ohio and incorporating areas and flood insurance rates maps for Clinton County and incorporated areas and adopting flood control regulations and procedures for the City of Wilmington. This has actually been in the works for quite a while and we just got approval back from the EPA from the new flood plains. Fortunately, because our departments have actually been staying on top of things and currently we have had very, very little change. We have had some properties that were already affected that the flood plain lines had moved a little bit and a little bit of city property that has been affected, but the residents as a whole are unaffected, which leaves us in pretty good shape. I am thankful that we don't have the issues that Sabina is facing. I think we are good to go ahead.

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the ordinance Rescinding Codified Ordinance No. 1307, Adopting the Flood Insurance Study of Clinton County, Ohio and Incorporated Areas and Flood Insurance Rate Maps for Clinton County, Ohio and Incorporated Areas, and Adopting Flood Control Regulations and Procedures for the City of Wilmington.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Jaehnig: That is all, Mr. President.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have no report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – No report, Mr. President.

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee – In the absence of Convener Mike Wallace, there was no report.

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

Service Director- In the absence of Service Director Larry Reinsmith, Mayor Raizk: No report.

President Ertel: He is still on the snow plow?

Mayor Raizk: Yes.

President Ertel: Okay. Safety Director?

Safety Director – Safety Director Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by Mongold to approve the Auditor-Treasurer's Report – January 2010, 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.

Mike Stout: I live at 656 Rombach Ave. I have been there since 1991. My wife has been there since 1977. Over the years, we have had problems with trash, un-mowed lawns, parties and various unkempt properties. I turn in complaints to Ernie's department. They send out their warnings and after all of that, usually the offenders kind of half-way pick it up. I'm not talking about just the newspaper or a couple of pieces of trash laying on the lawn – trash thrown everywhere, construction material laying all over the place, the building is falling in, porch is falling in, stuff like that. Right across from me right now, there is a house there that has had a porch falling in for a year and a half. It has construction paper around it and it is still not fixed. He has worked on it a little bit and that's it. And then, once it warms up, we get to look forward to the parties that happen around our area. What usually happens is fights every night. Pretty much under-age drinking behavior. It is not as bad as it used to be, but the reason it is not as bad is because the Gobblers and the people next to us have moved around to the front of the house. A couple of weeks ago, I am sure everyone heard about the big fight they had out there. It is not as bad as it was, but that is because they have moved around to the front of the house. A month ago, our 11-year-old granddaughter said to my wife and I, "You have a nice house, but you live in a bad neighborhood," and she's right. Over the last 5-10 years, it has gotten much worse. I guarantee that no one here would live the way we do right now, with the way it is run down around the area and the parties and pretty

much just bad behavior all the way around. We need to remember that on Rombach we are one of the first places people see when they come into Wilmington – when they’re going through or just moving around town. We try to maintain our house. I’m not asking for people to keep it perfect...just the basics: keep your trash picked up and your lawn mowed and no drunken wild parties and stuff like that. I have turned in complaints, like I said, over the years to Ernie, and I know they do what they can, but we need to be a little bit more proactive about this, I think. The Police Department and the Council and the Mayor and everyone needs to, instead of waiting for a complaint to come in, especially in this neighborhood, I don’t want to see it get like the other neighborhoods that have pretty much cropped up in Wilmington. So, we need help. Like I said, I’m not asking for a lot. I’m just asking for the codes that are on the books to be enforced. There is a property across from me that Lil Stahl owns that is a Section 8 house that has carpet that has been laying out there for 7-8 months in the back of it. Not just a roll, but just tons of it, and we need some help. Does anybody have any questions?

Councilwoman Peterson: What was your address?

Mike Stout: 656 Rombach. I’m the tan two-story next to Liberty Savings.

Councilman Jaehnig: So, you back up directly to the Gobblers.

Mike Stout: Yes. You know, the thing with them, is like I said, they have gotten better because they take it around front because they know I won’t listen to it. But, they still shouldn’t be acting the way they do, especially once it warms up. And, it is not just them. It’s the whole alley up through there with trash laying everywhere. Once it gets warm, the uncut lawns. There are a couple of places where they will have it up to your knees before someone says anything about it. Usually they won’t, unless I make a complaint. I shouldn’t have to be doing this. You know, I can go next door and talk with these people. A lot of them are rental properties now, and the city needs to stay on top of this and I need to be a little bit more proactive about it too – instead of just waiting and waiting. I need to file more complaints or do whatever I have to do, but we need to get something done.

Councilman Jaehnig: I appreciate you bringing this to the attention of us. Because you know, this year particularly, it is very important that we put our best foot forward in every neighborhood – not just yours – but in every neighborhood. We have a lot of businesses and a lot of outside investors that are looking at our city. It is our bicentennial year. Everybody needs to make sure that we make a conscious effort to put our best foot forward. We have seniors that need help. Neighbors need to help neighbors. As a community, we need to step up and make sure that we put the shine on while we are trying to lure investors into our community.

Mike Stout: Everyone here should make an effort over the next couple of weeks, just go up the alley there by Liberty Savings behind us and just look at the properties there. The state a lot of them are in. The trash, like I said. You won’t see that as much, obviously, right now with all of the snow, but you will see a lot of rundown rear entrances. Some of them, like the one I was talking about, Lil Stahl’s, I don’t even think you could inhabit that place right now; it’s pretty rough.

Paul Hunter: You could do what I do. I take pictures and send them into Michelle. You can do it that way, and they have a basis to work with, and I am getting better results by doing it that way. Calling in kind of falls through the cracks.

Mike Stout: I have been turning in complaints. Maybe I should do that...take more pictures and turn them in over there at the zoning office. Like I said, too, everybody, including myself needs to be proactive about “Hey,” we need to get a hold of these people and tell them to maintain their property. You don’t have to have the Taj Mahal here in Wilmington, but you just need to have a decent, clean place.

Councilman Jaehnig: Clean. If you could at least have it clean, it makes a world of difference.

Mike Stout: Like I said too, once it warms up maybe a few more patrols at night up and down that alley, especially on Wednesday nights and Friday and Saturday nights as far as the partying.

Councilman Jaehnig: Wednesday is a big night?

Mike Stout: Wednesday is a big night. It's Wednesday or Thursday.

Councilman Jaehnig: Why is that?

Mayor Raizk: Where have you been?

Councilman Jaehnig: I've lived a sheltered life.

Mayor Raizk: No. We all get calls.

Mike Stout: I've made plenty of calls to the Wilmington Police Department, and they moved around front and that did make it easier, but it still shouldn't be going on, half the stuff that does over there.

Mayor Raizk: No. But you've called.

Mike Stout: Right.

Mayor Raizk: Keep calling.

Mike Stout: But, obviously everyone, I think, needs to do a better job, including myself.

Mayor Raizk: Yes. We'll all try harder.

Mike Stout: Thank you.

Council members thanked Mike Stout for coming.

Scott Kirchner: 245 S. Mulberry St. First of all, I want to say that I think from out here in city land, we owe all of the workers who have helped remove snow from the city streets a big thank you. They have done an excellent job and they have had an awful lot to do here recently. I know that that tasks them incredibly because the hours just go on and on and on, especially with back to back to back storms. So, I just wanted to come up and say thank you for the work that they do and note that they are doing it well. I would offer a thought that I think it is sad that a citizen has to say that he needs to take pictures of code violations when we have a very well paid code enforcement official on the city payroll. I can tell you that I have driven through Rombach and know the exact porch he has talked about that has been there for years, falling down and falling apart. I don't think it is his responsibility to take pictures and report violations to the city when we pay someone to enforce those codes.

Mayor Raizk: That property – we have been pursuing it.

Scott Kirchner: I just wanted to say that I don't think it's his job at all. I think there is someone paid to do that on the city payroll.

Councilwoman Peterson: I've been involved with that property for a long time-the one with the porch - and then somehow they put up some caution tape thinking that they were finished.

Scott Kirchner: I feel safer seeing that, I will say that.

Councilwoman Peterson: I was very happy to see that.

Scott Kirchner: The other thing that I wanted to come and express some concern to council about, I had read about the January income tax receipts and I will check with the

treasurer, were those at the level that was expected based upon the projections and the budgeting crisis?

Geoffrey Phillips: Yes.

Scott Kirchner: I know that that budget still remains \$2,000,000, and thank you, Mr. Mayor, for your success with ODOT in not making it go \$2.2 dollars over budget, but I will renew my concern that council must act responsibly to reduce spending to a level that does not bankrupt the city. I know that I previously came with a half-million dollars in suggestions and I realized that Councilwoman Peterson quickly dismissed them, but I would offer that council needs to start considering ideas outside of their own because \$2,000,000 over budget is \$2,000,000 we don't have. Thank you.

President Ertel: Thank you.

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