

Wilmington City Council met on Thursday, July 1, 2010, with President Fred Ertel presiding.

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

Assistant Chief Weyand was also present.

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

Council gave the Pledge of Allegiance to the flag.

A motion was made by McKay and seconded by Mead to approve the minutes of the last regular meeting, June 17, as received.
Motion passed.
Minutes approved as received.

A motion was made by Wells and seconded by Wallace to approve the minutes of the last special meeting, June 21, as received.
Motion passed.
Minutes approved as received.

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

Mayor – Mayor Raizk: Thank you, Mr. President. Not too much tonight, other than a little reflection on the past storm that we had. We had a lot of rain in a very, very short period of time. It was well over four inches. Obviously, we've got big hole in one of our places down there. I would like to publically thank all of our crews that helped out to try to remedy what could have been a very, very unsafe and disastrous situation. It worked out and we're moving ahead. That is, at least it is being made safe as far as the street goes right now. We should be opening up the other lane there on Locust as soon as we can. At least we do have traffic flowing and have remedied the unsafe condition. There will still be a lot of work going on there at Swindler's. Obviously, they have a big job. So, if you see the hole getting bigger, you'll know why. On their part, they have a lot to do to rebuild that culvert through there. Anyway, this is just a shout-out to everybody that helped. It was tremendous. Even our contractors over on Nelson Road came to our rescue and brought the track-hoe over for a few hours so we could try to make it safe there. So, we also want to thank Melvin Paving. Last time, I spoke with Councilman Wells, as we have been getting a lot of questions and so forth about our grant for recycling. Don Maher and Braden are going to come up to our next council meeting and give us a little report. We are looking at the trucks right now. These trucks are few and far between, but Donnie just located a community in North Carolina that bought three or four of these trucks and they have gone out of their program. The trucks are barely used and it would be a good situation for us. He is going to try to find some way to check them out and we hope by next council meeting to have a report on that, what our timeline is, and be able to answer some questions. We would also like to recognize Braden for his hard work in getting that grant. We should have them at next council. That is all I have.

President Ertel: Okay. 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. Mr. Auditor?

Auditor – Auditor David Hollingsworth: Nothing to report on, but I will be putting together a six month statement on the general fund here shortly to see where we are at.

President Ertel: Very good. Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We do have several items. Once he gets that report together, the Finance Committee will be meeting. The first item we have tonight is an ordinance making Miscellaneous Transfers. Are there any questions?

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.

Councilwoman Mongold: I don't believe we have enough here tonight to suspend the rules.

President Ertel: That is correct.

Councilwoman Mongold: I guess my question, Mary Kay or David, is do we need to have a special meeting for any of the finance items?

David Hollingsworth: They can wait until the next regular meeting.

Councilwoman Mongold: All of them?

David Hollingsworth: Yes.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: The next item tonight is an ordinance making supplemental appropriations. Are there any questions?

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.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: We have a first reading on a resolution authorizing payment of expenses incurred in the prior fiscal year.

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

Motion passed

Director of Law read resolution by title only.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: The fourth item tonight is a resolution estimating the amount of inactive monies and date of meeting for designation of depositories. This is to allow the treasurer to bid out where we are going to invest all of our money.

A motion was made by Mongold and seconded by McKay to give the first reading only on the resolution Estimating the Amount of Inactive Monies and Date of Meeting for Designation of Depositories.

Motion passed

Director of Law read resolution by title only.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: The next item is an ordinance providing for the issuance and sale of various purpose notes in the principal amount of \$1,215,000. Are there any questions? Do you need an explanation?

Councilman Wallace: Yes, I would like an explanation.

Councilwoman Mongold: Okay. We have two notes currently: one for Lowes/Davids Drive and one for the vertical expansion. We are going to be paying down on each of them: \$100,000 on the Lowes/Davids Drive and \$315,000 on the other. What we are going to do is combine the two notes into one and it will be at 2.95%. That way, we don't incur costs on rolling over both notes the next time. Okay?

Councilman Wallace: Okay.

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Providing for the Issuance and Sale of Various Purpose Notes in the Principal Amount of \$1,215,000 in Anticipation of the Issuance of Bonds, for the Purpose of Paying at Maturity Notes Heretofore Issued to Pay Part of the Costs of Constructing (I) Lowes Road and Related Improvements, (II) An Extension to Davids Drive, and (III) Vertical Expansion of the City's Landfill, Paying Related Lawful Costs, and Declaring an Emergency.

Motion passed

Director of Law read ordinance by title only.

Mongold requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Mongold: That is all we have tonight. Thank you.

President Ertel: Okay. Thank you. Water Committee?

Water Committee – Chairperson Mike Wallace: We have no report. We do have a meeting set for next Thursday at 5:00 p.m. That is all we have.

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wells: In Cindy's absence, we have no report tonight; however, we are having a Streets Committee meeting on July 8 at 4 p.m. I anticipate that a young couple from Meadow Ridge Circle will be there to speak that evening of a problem they are having at Timber Glen. I talked to Larry a little bit about it. We hope to discuss that at that meeting. That is all we have, Mr. President.

President Ertel: Thank you. Solid Waste/Recycling Committee?

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

President Ertel: Thank you. Wastewater/Sewer?

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

President Ertel: Thank you. Judiciary?

Judiciary Committee: In the absence of Chairperson Rob Jaehnig, Councilman McKay: In Rob's absence tonight and I am the only member of Judiciary here. For that reason and for the fact that there are still some concerns about this ordinance that we are proposing, we would like to ask that we postpone that reading tonight. We will be having a Judiciary meeting on Thursday at 6:00 p.m. It is open-ended, so we can spend as long as we need on that. But, I will ask that we postpone this.

Councilwoman Mongold: Part of that meeting is Finance too.

Councilman McKay: So, it may be a little longer. We should have sufficient time to hopefully air out additional concerns and bring it back for possibly the second and third at the next meeting.

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

Safety Committee- In the absence of Chairperson Rob Jaehnig, Councilman Mead: In the absence of Mr. Jaehnig, the Safety Committee has one item on the agenda. This is the first reading on an ordinance authorizing the mayor to enter into an agreement with the Board of Trustees of Union Township for the provision of fire and emergency medical services for the period of July 1, 2011 to June 30, 2016. This is basically a continuation of our present contract with Union Township, as we have had for many years. It is paid for by the monies that they collect on their fire levy, so it is not additional money out of our pocket. The Mayor and the Safety Committee are in favor of it and have approved.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Union Township for the Provision of Fire and Emergency Medical Services for the Period of July 1, 2011 – June 30, 2016.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Wallace: Can I ask a question on that?

President Ertel: Sure.

Mayor Raizk: Yes.

Councilman Wallace: In light of what we are forced to do in our economic situation right now, how much strain does it put on our people, above and beyond? You know what I'm saying, because now we are servicing other areas besides what we have here.

Mayor Raizk: Well, I don't think you really can say that, because a significant part of our budget is what we're servicing in there. We have been doing it for a long time and we are recompensed for that money. Without doing that, we couldn't staff the department where we are now. It's a significant portion of the Fire Department budget. Plus some of the equipment that we have and purchases are primarily for servicing Union Township. It has always been an entrepreneurial effort.

President Ertel: Very good. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – We really have no legislation, but I would just like to say we are moving right along on the downtown construction. I kind of feel like perhaps we are over the hump from the original shock that everyone was going through. I think we're getting a lot better communication. We are told that things should get about wrapped up in a month, so we are looking to better days and a lot prettier downtown. That is all I have.

President Ertel: Thank you. Parks & Recreation Committee?

Parks and Recreation Committee - Convener Mike Wallace: Well, our parks are full of people, that is for sure. I think Scott does a great job with his staff and his resources. He keeps us staying hopping out there. We really have no report, other than just to commend our people. With the resources we are able to give, I think they do a great job in keeping our parks up and working. I appreciate all that they doing.

Councilman McKay: If I could maybe dovetail on that a little bit, Mike. I know there was a huge tournament out there this weekend. There were numerous teams, not only in our park but several other locations in town. I have to think that that brought a lot of economies to town, not only hotels, but eateries.

Councilman Wallace: That is at least the third major tournament we have had out there this summer.

Mayor Raizk: I think there were in excess of 80 teams. Was that right?

Councilman McKay: It was amazing. I am not sure if they got rained out on Sunday, but they were playing in the morning.

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

Service Director- In the absence Service Director Larry Reinsmith, Mayor Raizk: The Service Director is not here. Just one quick thing: many of you have seen, they have been paving on Nelson. I took a drive there at about 1:00 today just to kind of see. Both lanes are open, at least on the southern end and the northern end. The in-between piece, they were working on laying down pavement. Hopefully, our goal was to get a majority of that done by Fair time because that is primarily the main entrance to the Fair, and they should be okay to do that. Anyway, they are starting to move right along. We should have all of the paving done. Other than the top coat, there is still some dirt work to do and so forth. So, we don't want to put the final finish coat on until we're ready. It should be done here very shortly.

President Ertel: Thank you. Safety Director? Nick?

Safety Director – Safety Director Nick Babb: No report.

President Ertel: Thank you.

Reports:

A motion was made by Wells and seconded by McKay to approve the Income Tax Report – June 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.

Paul Hunter: 200 Randolph Street. I was going to make this presentation at the last meeting, but there was hardly anybody here, so I waited until this time. Lucky you guys. This is getting tiresome, I realize. I am as tired of bringing it up, almost, as anybody else. As long as I'm permitted to sit here and orate, I will continue to do this on this issue.

President Ertel: Well, we can change that.

[Laughter]

Paul Hunter: Well, you do have that option. because Laura pointed that out to me once... "We don't have to let you talk."

President Ertel: Go ahead, Paul.

Paul Hunter: In June 2008, council passed an additional ordinance in an attempt to control junk cars. In November of that year, a public hearing was held concerning this same subject. At that hearing, a Highland Addition couple complained that they had asked for the city's help in ridding their neighborhood of junk cars and trash. Legislation was introduced to amend the junk car ordinance at that meeting. Last week, actually two weeks ago now, this same couple informed me that this situation had only gotten worse, but they were tired of making complaints with no resolution, so why bother. "You can't

fight City Hall,” and all of those idioms. I am convinced by my reassertions of zoning issues, working with the Board of Zoning Appeals and the enforcement department, that until the administration decides to enforce code compliance, many violations will continue unabated. The record indicates that all of the ordinance re-writes, excuses and tweaking will not alter this simple fact. In a related matter that has to do with the handout I made, the obvious code violation in that particular – that’s one of many code violations – of intentional non-enforcement by the very department that was created and generously funded by Council to enforce those codes. In this example and many others, not even a simple warning letter was sent to the violator. The word was, as you will see on the bottom of that, “I’m not going to enforce it.” That and many other things. In my mind, they could have sent a warning letter to that party or all of the other violators, rather than just walking away from the issue. A simple warning letter is not very complex. A letter to the responsible party reminding them that the violation must be abated within 30 days. The letter would include information that each day the violation exists, the 30-day deadline constitutes a separate charge of a misdemeanor in the 4th degree, each charge could cost as much as \$250. That would be a pretty good shot across the bow, if that was put in simple terms to these violators, to me. In almost all cases, a warning letter such as this would be sufficient to prompt corrective action. Initial contact could be accomplished by the department’s administrative assistant, with very little time investment by the busy code official. All of the information included in the suggested warning letter is already in the ordinances...you just have to put it together into a nice letter. Of course, Council can’t force the administration to enforce the code or any other law, but Council does have the purse strings. They can deny or reduce funding to nonperforming departments, if we ever go to that point, which I don’t think we ever will. The mayor has been made aware of my concerns but has decided not to conversation about it. I will point out that there are some victims of this property value robbery in the audience. They can hold up their hand and you can talk with them. That is the couple that came two years ago and were assured that the new ordinance’s tweaking would fix their problem. What we see is no resolution and citizen fatigue with the process. Thank you very much.

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

Councilman Mead: I just want to make a comment. I read in the paper, and this goes along with the revitalization stuff, one of the downtown businesses was talking about their business was down \$1600 and they blamed it on the sidewalks. I just want to say that I have a very similar business and mine is down \$3000 and I don’t have any sidewalk repair. So, I think the economy is catching up with us. We have to take that into consideration. I don’t think we can blame it all on the sidewalks. 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.

President Ertel: Would you like to speak?

Polly Stanforth: Yes I would. 620 Bernice Street. I called Ernie Blankenship about two years ago about junk vehicles next door. He told me that they gave 72 hours to clean up the mess or they would have them towed away. I kept talking to him and time went on. I bet six months went by, and he said that they sent the letter – they had 72 hours. But then he turned around and said that he found something in some law that said if you throw a tarp over it, it is okay. So, now we are sitting with two junk vehicles beside us in the back yard, plus who knows what else and snakes crawling through our yard. So, what is going to be done?

Mayor Raizk: We’ll take a look at it.

Polly Stanforth: Do you want to look at this? Do you remember us talking about all of this.

Mayor Raizk: Yes.

Polly Stanforth: And everyone kept putting me off and making excuses. Now we have snakes. They can't cut the grass. They use a weed-eater when they do that. It's embarrassing. It's like living in the 'hood.

Mayor Raizk: So this is the same property?

Polly Stanforth: Yes.

Paul Hunter: Those are the minutes from that meeting that I sent to you guys in reference to this.

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

Councilman McKay: I would just comment that the Judiciary Committee has met in regards to some of these items, and we are in the process of working through the Law Director and other folks to try to come up with some legislation that is more enforceable than currently what we have now. We are not sitting on anything.

Paul Hunter: I understand. I've been to the meetings.

Councilman McKay: Were you at the last meeting?

Paul Hunter: No, I figured I had said all that I could say.

Councilman McKay: Well, Mr. Jaehnig is not with us tonight, but he is spearheading that. Yes, ma'am?

Polly Stanforth: I just don't know how he could say 72 hours and then he turns around after he makes excuses for six months or a year and then he says that he is sorry but there is something in the law that says throw a tarp on it and I can't do anything about it. That is like a lie to me. I'm sorry. That's a lie.

Unidentified male speaker: It's a problem all over town. It's not just on Bernice Street. It's on Darbyshire; it's all over town.

Polly Stanforth: It's really bad next door to us.

Councilman Wallace: We're all frustrated with it. We're trying to find a way to get it so that everybody...because there are about three or four different phases here, and about the time we think we've got it solved, one of the phases of the system says it won't work. So, I don't know where we are, but we are trying to work through this process.

Paul Hunter: It's been two years.

Polly Stanforth: Yes...it's been over two years and [Inaudible for Transcription].

Unidentified male speaker: I think they have existing laws that work. It's following through with those laws all the way to the end until the guy stands there and gets his pocketbook out.

Paul Hunter: A couple of real easy cases...I mean...obvious cases. We might spend a little money, but go through the court process. That's what we are trying...we're trying to work a way so we don't have to do the court process as much...or a better way of enforcing it. But it's already on the books. The ordinances say it will be done. When the code enforcement official tells me "I'm not going to enforce the ordinances," it's not even to that point. We haven't gotten to the ordinances or to the Law Director. It's "I'm not going to enforce this ordinance, or that ordinance or this other ordinance."

President Ertel: Yes, ma'am?

Paul Hunter: I’m not going to worry about it. Thank you.

Polly Stanforth: I’m sorry. I’m not meaning to be a griper, but how can someone promise me and then lie? Because to me, that is a lie. He changed his story.

President Ertel: I understand.

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 McKay and seconded by Mongold to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk