

Wilmington City Council met on Thursday, February 3, 2011, with President Fred Ertel presiding.

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

Assistant Chief Duane Weyand 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.

#### President of Council

A motion was made by Wells and seconded by Peterson to approve the minutes of the last regular meeting, January 20, as received.  
Motion passed.  
Minutes approved as received.

President Fred Ertel: Okay. That concludes my portion. Mr. Mayor?

Mayor – Mayor Raizk: Thank you, Mr. President. I'm going to come down front for a minute, if you don't mind. Now, at our last meeting, because Geoffrey's appointment came very quickly, he was able to speak to you all and, of course, we did not have the time to be able to make the presentation to him. As I said last meeting, we wanted to do that. I would like to recognize somebody else here in the audience tonight. Geoffrey's father, Glen Phillips. Geoff has served over 29 years of service to the City. Glen has served probably over 50 years and is still continuing to serve as a member of Planning Commission. Glen, if you are able, I would love for you to come up and join Geoffrey and his family tonight while we make this presentation. Thank you for coming up tonight Glen. One great thing about Glen, whenever he senses that our Planning Commission meeting is over, he always calls for adjournment and then we get out. He is always on board with that, so we love him dearly for that. Geoffrey, to you and your family, my personal thanks. We've known each other for a long time. I watched you grow up, and we've known a lot of the same folks and have been die-hard committed to our community as we have grown up here. For 29 years of dedicated service and loyal service to the City and the Citizens of Wilmington, we are glad to present you with this plaque, which now bears our official Bicentennial seal. I would like to present this to you. We hope that your family is still solidly behind you as you're continuing to do this and not complaining because you don't give them enough time. You have a lovely family. Glen, you've raised a good young man here, so we appreciate that.

Geoffrey Phillips: Mr. President, if I may, I said my farewell thoughts two weeks ago or three weeks ago, but to each of you, thank you. It has been my privilege to serve the community. It is my privilege now to continue to serve. Twenty-nine years and twenty-two days. There was that fifteen-hour gap on January 23 when I was not. My farewell thought to you tonight is just remember February 14. For most of the guys it is a day where we will go buy roses or cards, but for each of you, I will remind you that your property taxes are due. Thank you.

[Applause and laughter]

Mayor Raizk: Another note that I don't like to bring to you, and I ask for all your prayers. Nick Babb was taken to Jewish Hospital today. He has had some surgery and is evidently experiencing some complications from that surgery and has been taken to Jewish Hospital. Our thoughts and prayers are with him and Sandy. Just please think about him. That is all I have, Mr. President.

President Ertel: Thank you. Let's move into committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –In the absence of Chairperson Sandy Mongold, Councilman McKay: No report, Mr. President.

President Ertel: Thank you. Mr. Auditor?

Auditor –Auditor David Hollingsworth: I have nothing, Mr. President.

President Ertel: Thank you. Finance Committee?

Finance Committee – In the absence of Chairperson Sandy Mongold, Councilman McKay: As you can see, we do have a couple of items tonight. We will take off where we finished at the last meeting because we didn't have enough votes to do three readings on these items. The first item is an ordinance establishing a new fund, the CORF Grant fund. Are there any questions?

A motion was made by McKay and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Establishing a New Fund.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Motion passed.

President of Council declared Ordinance No. 4951 passed as read.

Councilman McKay: The second item is another ordinance establishing a new fund – the CDBG Formula 2010 Fund.

A motion was made by McKay and seconded by Peterson to suspend the rules and give the second and third reading on the ordinance Establishing a New Fund.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Motion passed.

President of Council declared Ordinance No. 4952 passed as read.

Councilman McKay: The third item is an ordinance making supplemental appropriations, which we had the first reading on at the last meeting.

A motion was made by McKay and seconded by Wallace to suspend the rules and give the second and third reading on the ordinance Making Supplemental Appropriations.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Motion passed.

President of Council declared Ordinance No. 4953 passed as read.

Councilman McKay: The next item is a request of the county to give advance payments to the city for settlement of real estate taxes.

A motion was made by McKay and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution Authorizing a Request for Advance Payment from the County.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Mead, yes; McKay, yes. Motion passed.

President of Council declared Resolution No. 2224 passed as read.

Councilman McKay: The last item is an ordinance Making Supplemental Appropriations. It has to do with Worker's Compensation.

A motion was made by McKay 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 McKay 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; Wallace, yes; Mead, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 4954 passed as read.

Councilman McKay: That is all for tonight.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: We have one item. This is a companion piece of legislation to the preliminary legislation we passed earlier. This is for our urban paving project.

A motion was made by Peterson and seconded by McKay to suspend the rules and give the second and third reading on the final resolution Authorizing the CLI US 22D (Urban Paving) PID 89011 Project and Declaring an Emergency.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2225 passed as read.

Councilwoman Peterson: We have no further legislation.

President Ertel: Thank you. Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President, I have nothing on the agenda; however, Don Maher has given me a year-end report for our curbside recycling and our percentage average for the year is 11.9% participation. I am kind of disappointed in this number. It is too low. We need to increase our curbside recycling. I would also like to know if it is possible in our utility billing that we might get some notifications to the public about getting the bins and getting involved in curbside.

Mayor Raizk: Yes, we can do that. We are planning some more education of the public. We have some grant dollars. What little we have left, we are going to use for educational materials to try to get the word out. Now we have the truck; now we've got the bins. We've got the program. The logistics are working well, but now we just have to up the participation. That's where we're going to focus our efforts in 2011 is on the participation side. I'll keep you informed about that.

Councilman Wells: I just want to encourage the citizens to get a blue bin and participate in the curbside recycling. It is the right thing to do.

Mayor Raizk: We're hopeful that there will be a natural up-kick as people have transitioned out of the bag and into the bin. Once people get real comfortable with that, it will happen. We should get up that extra 4-5% like we were about 6-8 months ago.

Councilman Jaehnig: If we could get a little push too from the Solid Waste. The better we do; the better they do. If they could help push the recycling, I think that might be a good thing too.

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

President Ertel: Okay. Wastewater/Sewer?

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

President Ertel: Thank you. Judiciary Committee?

Judiciary Committee: Chairperson Rob Jaehnig: We have two items tonight. The first is a second reading on the new adopted pay plan in regards to the Director of Public Service, Larry Reinsmith, at a lower pay rate. Are there any questions on that before the second reading?

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Setting the Salary for Larry Reinsmith at a Rate Lower than the Minimum Amount Required by the City of Wilmington Employee Pay Plan Adopted in Ord. #4823 for the Director of Public Service.

All members voted "yea."

Motion passed.

Director of Law read ordinance by title only.

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

President Ertel: Okay. The next resolution was to deal with the bio-preferred purchasing policy from the City of Wilmington. We had the first reading at the last meeting. There is a possibility of perhaps some issues with that because it does involve Rob potentially. He brought it up. So, therefore, what we will have to do is to ask for a second reading and please do not have a second to it. What we will do then is let it die by lack of a second. Then that same legislation will be brought back at a later time. This is not a time-sensitive issue. We want to make sure we do it the right way, because it could be a potential conflict-of-interest for Rob. We just want to make sure that that does not occur.

Councilman McKay: Should someone else move for the reading?

Councilman Jaehnig: Please.

President Ertel: Please. And then when it comes back, we will have to have someone else move for its first reading in the future.

A motion was made by McKay to give the second reading only on the resolution Expressing Support for Implementing a Bio-Preferred Purchasing Policy for the City of Wilmington, Ohio.

Clerk Laura Curliss: Is there a second?

Motion failed for lack of a second.

Councilman Jaehnig: That is all for Judiciary. Thank you, sir.

President Ertel: Thank you. Safety Committee?

Safety Committee: Chairperson Rob Jaehnig: No report tonight.

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 - Convener Mike Wallace: No report.

President Ertel: Thank you. Mr. Service Director?

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

President Ertel: Very good. Safety Director?

Safety Director – Mayor Raizk: No report.

Reports:

President Ertel: Before you we have the Income Tax Report and Marque Jones would like to talk to us a little bit about it.

Marque Jones: Good evening. I thought when the Income Tax report went out, I said, it really is awfully bad because of the way it ended last year. Of course, it was not a very good year. I thought what I would tell you is (Mr. Phillips no longer being with me; he would normally make this type of report), you know, it is all a matter of when we get the money in the mail. So, even though it looks bad, I'm just going to give you a little bit of update as of the deposits for today. On the report that you have, it shows us being around \$197,000 down. But right now, we're only at \$120,000 and we have some big payments that are going in tomorrow, so it is going to keep going down. I would assure you that we are going to keep working hard to get that number all the way down and get it even and do the best job we can to make sure we make our estimates. I don't want anybody to hit the panic button. Because when I saw that, I hit the panic button, and I don't want you guys to hit the panic button too. But, I started digging into who paid and who didn't pay and found out it was just a matter of a lot of them we didn't get in until the first of February. We should be doing good the rest of the month. Thank you.

President Ertel: Thank you so much, Marque.

A motion was made by Wells and seconded by Wallace to approve the Income Tax Report – January 2011, 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. Just a pet peeve that I have is overuse of the emergency clause. We have been doing it over the years and I have been whining about it over the years. The most recent example was the purchase of the parking lot by the county of the Textron parking lot. That was passed as an emergency back in December 16 under the assumption that the county wanted that closed out by the first of the year. That issue is still open. We have no idea if the county is going to act or when they are going to act, and by going to the emergency, as I have said before, it does two things. It keeps the councilmen and the public from thinking this over, cause bang, bang it's done and it goes into effect immediately, so there is not chance for council or the public to look at it in depth come back to another meeting and say "Hey, I don't like this, and this is why," or whatever. It also takes away the right of referendum. I don't mind this purchase, but let's say I didn't like it and there were some legitimate complaints that I had. I could put it on the ballot for the next election and have it overturned. Well, that's gone with this going into effect immediately. I'm not accusing anyone...it's just the appearance that I'm concerned with. It would appear that "Oh, my goodness, they're

rushing this through.” I hear this a lot. They’re rushing this through because they don’t want the people to put up an objection. I know the mayor doesn’t like criticism, but I hope this will pass...

Mayor Raizk: What do you mean, “I don’t like criticism?” Who says I don’t?

[Laughter]

Paul Hunter: You did.

Mayor Raizk: I’ve been criticized all my life. You should come to my house!

[Laughter]

Paul Hunter: I’m just taking your statement from the State of the City, “criticism and collaboration.”

Mayor Raizk: But, that wasn’t about criticism. That was about “Let’s all work together.” That’s what I was getting at.

Paul Hunter: Well it was both things. Okay. Anyway...

Mayor Raizk: I mean...you don’t hear the criticism I get at home.

Paul Hunter: Well, I get that too. Finally, I live in Southridge and I shopped since it opened at what I still call Bob and Carl’s. I went to the last opening day. They were just open to talk to the people and say goodbye and to shed a tear, really. They voiced to me concern that “The City has forgotten all about us.” They talk about downtown, and they talk about DHL, but no one has said a word to us about all these employees leaving and losing their jobs and the south end neighbors saying, “Now we have to go clear across town.” I figured when I retired and I could no longer drive, I could crawl up to Bob & Carl’s and get the necessities of life. That’s gone, and there is nothing we can do about it.

Mayor Raizk: I would like to say something to that, Paul.

Paul Hunter: Okay.

Mayor Raizk: I spoke to the employees. They called when this decision came down very quickly to them. I made a call to the owner of the company. We had about an hour phone conversation, and I did the best I could to offer anything that I could, because I am a patron of that place as well. But, he was pretty resolute. I said whatever we could do to encourage him or whatever. He did offer a little ray of hope...I don’t know how good...they have been working with another company that has...what do you call...Save-A-Lot. They are not as big of selection type store.

Paul Hunter: Like an Aldi’s sort of thing?

Mayor Raizk: Similar to that is my understanding. He was hopeful. They are on the hook for the rent, I assume. He was saying... I said, “If you need assistance with that, we’ll do whatever we can.” I did talk to him for at least a good 45-minute phone conversation about it. There was no stopping it.

Paul Hunter: I’m sure they would be interested in knowing that you do have concerns and have spoken to them about it.

Mayor Raizk: Yes. And we’ve talked to the employees, they contacted the office, and that is why they reached out to the ownership.

Paul Hunter: The liquor store is going to stay open for a month or so they told me yesterday.

Mayor Raizk: If you remember, it was up here before the council the transfer.

Paul Hunter: I didn't recognize it, though, at the time.

Mayor Raizk: I saw it, and I was trying to figure out what was going on. That was an actual transaction between them and Kroger. That's the way he explained it to me. They actually sold the liquor store to them.

Paul Hunter: Because you're only allowed to have one in the county, aren't you.

Mayor Raizk: I don't know what that rule is, but I think it is based on population.

Paul Hunter: That's the only one I know of.

Mayor Raizk: Anyway, he did say that they had sold that to Kroger.

Paul Hunter: Well, when I see the employees, I'll tell you them you are concerned and that you have tried.

Mayor Raizk: Absolutely.

Councilwoman Peterson: Mr. President.

President Ertel: Yes, ma'am.

Councilwoman Peterson: I just wanted to encourage council...you received an invitation to have lunch at Head Start. For those of you who haven't participated or even if you have, I would encourage you to do it. It is a great experience. You'll leave there forever changed. It is great work. The children touch you. I would just encourage you to do it.

Councilman McKay: I have done it, and I would second that.

Councilwoman Peterson: You literally leave there a changed person and you are very touched.

President Ertel: Very good. Thank you. Yes, Don?

Councilman Wells: Mr. President, I see in the audience Jeremy Bryant is here, and I would like to say that this week I notified him about a light out in the 3<sup>rd</sup> Ward, and almost immediately I got a response. I appreciate that very much and want to...

Jeremy Bryant: That kind of leads into my segue...

[Laughter]

Jeremy Bryant: Power outage update. I really don't want to follow the topic of criticism.

[Laughter]

Jeremy Bryant: As of 6:00 today, there were less than 50 outages still. I don't know if any of you all are affected by it. There are seven crews in Clinton County working on it. We're hoping to have everybody restored by tomorrow night. Clinton County and Greene County, they think will be tonight, but I can't guarantee that. I wanted to give you guys an update. And any light bulb outages are probably going to be prioritized down the list.

Councilman Wells: Well, I thank you for your quick response.

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

Jonathan McKay: 371 High Street. Councilman Jaehnig and I, as you see in front of you, and some of the audience members, are working on the Hope 100 project. This is a volunteer effort project by CIFT and with community effort by the college and Grow Food Grow Hope. We are looking for 100 volunteers to be able to work within the community on several different projects, such as community building with restaurants – basically locally grown food within the community and in relationship with the restaurants. So like having a locally grown food day at, I’m going to say, the General Denver, the Mediterranean, Jen’s Deli, but trying to get every restaurant incorporated into this. That is just one of the many projects that this will incorporate. Councilman Jaehnig can speak more to it as he is the group leader and I am the community liaison. This means that I will be reporting to Councilman Jaehnig about what the community is actively pursuing and the concerns of the citizens and how I can relate to the two groups to further better the projects. So, if Councilman Jaehnig would like to speak to it...

Councilman Jaehnig: Simply, it is just a great opportunity for anybody that wants to get involved in actual economic development projects. One of our strongest attributes has always been agriculture. It is what the county was built on. It will carry the county far into the future. One of the things that can help with that is having a strong local food economy. While there are groups like the fresh network that are working on it, and Buy Local has done a lot of work on this type of thing. They have a lot of great ideas. A lot of great visions, and right now they just need some manpower to enact a lot of these different ideas. February 10 at 6:30 in the McCoy Room we are going to be rolling out this project and looking for volunteers to take on some of these projects. We are hoping for 100 volunteers at 100 hours a piece. That’s 10,000 man hours and complete 100 projects. That’s our goal. Just to kind of help kick-start the economy and give everybody a chance to actually get involved instead of sitting on the sidelines waiting to see what is going to happen.

Jonathan McKay: And too, this is in conjunction with the Farmer’s Market and trying to better make the public aware of what is going on. We are just trying to further the growing of Clinton County and the local – what they have to produce – Cherrybend Pheasant Farm, the Lavender Farm, we even have a sunflower farm in Clinton County, and of course, Stoke’s Strawberries, which has been around ever since I can remember, probably my folks. This will help better their business and also bring people to them to make the community more aware of what they do. Does that pretty much cover?

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

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

Motion passed.

Council adjourned.

ATTEST:

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President of Council

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Clerk