

Wilmington City Council met on Thursday, February 17, 2011, with President Fred Ertel presiding.

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

Chief Mike Hatten was also present.

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

President of Council – Fred Ertel: I would also like to draw attention to the memo that just came out with the Water, Judiciary, and Streets Committees having a joint meeting. Laura passed it around. There are four dates listed there. If you would, just fill out ‘good,’ ‘bad’ or whatever and get it back to Laura so we can make that happen. It is always very difficult to have three committees meet at the same time. At this time, I would like to recognize Paul Fear, who is our new City Treasurer. Paul, if you would, please come forward. Also, would the Honorable Judge Allen Gano come forward for the swearing-in ceremony, please?

Judge Gano swore in City Treasurer Paul Fear.

[Applause]

President Ertel: Paul, welcome.

Paul Fear: Thank you.

President Ertel: That concludes my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: No report, Mr. President.

President Ertel: Thank you very much, Mr. Mayor. 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.

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

President Ertel: Finance Committee?

Finance Committee – In the absence of Chairperson Sandy Mongold, Councilman McKay: We do have two items on the agenda. In Councilwoman Mongold absence, I will present those. The first ordinance is an ordinance making supplemental appropriations. There was supposed to be a correction made in item B. That amount was supposed to be \$48,000.00.

Law Director Kathryn Hapner: It is on here.

Clerk Laura Curliss: It is on the ordinance.

Councilman McKay: But it is not on any council people's copy, I don't believe. That was discussed in Finance Committee and approved. Are there any questions about any of the other items?

A motion was made by McKay 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 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. 4955 passed as read.

Councilman McKay: The second item is our infamous then and now, which has reared its head again. These are items which were approved in the previous fiscal year and were paid in this fiscal year. There is a whole list of them. Are there any questions?

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

Motion passed

Director of Law read resolution by title only.

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

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 McKay and seconded by Jaehnig 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. 2226 passed as read.

Councilman McKay: That is all I have, Mr. President, with the exception that I have it on good authority that Councilwoman Mongold will be back at the next meeting, so you won't have to put up with me.

President Ertel: Thank you. You've done a wonderful job.

Councilman McKay: Thank you.

President Ertel: Thank you. Water Committee, please.

Water Committee – Chairperson Mike Wallace: We have one item this evening, Mr. President. As we all know, each year we have to bid out the chemicals that we use for the Water Department treatment plant and that type of thing. So, it is that time of year. Are there any questions?

A motion was made by Wallace and seconded by Peterson to give the first reading only on a resolution Authorizing the Advertising for Bids and Purchase of Chemicals for the Water Department and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

Councilman Wallace: There is no imminent reason to push this thing through, is there?

Service Director Reinsmith: You can take your time on it.

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

President Ertel: Thank you. Streets Committee?

Streets Committee – Chairperson Peterson: No report.

President Ertel: Thank you. Solid Waste/Recycling?

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

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 three items tonight Mr. President. The first item is the third and final reading on an ordinance setting the salary for Larry Reinsmith at a rate lower than the minimum amount required by the City of Wilmington. Any further questions or discussion?

Scott Kirchner: Did we settle the question of what the benefit package will be? Does it go back to the beginning or does he maintain vacation, sick time and things of that nature at the service level?

Mayor Raizk: He keeps the same amount of vacation time. The sick leave...the bank settles out...back to zero. I think that is it.

Councilman Jaehnig: Are there any further questions?

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

Motion passed

Director of Law read ordinance by title only.

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

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

All members voted yea.

Motion passed.

President of Council declared Ord. No. 4956 passed as read.

Councilman Jaehnig: Item B, we will have Mr. McKay take care of, please.

Councilman McKay: Thank you, Rob. This is a resolution expressing support for implementing a bio-preferred purchasing policy for the City of Wilmington. Are there any questions?

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

Jaehnig abstained.

All other members voted yea.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Wallace: Can I ask a question on that?

Councilman McKay: I may not be able to answer it, but you may.

Councilman Wallace: If I remember right, we said that what this does is it just says that we are going to look for this. We don't have to do this.

Councilman McKay: No. There is not a requirement. No requirement.

Councilwoman Peterson: No requirements. It just...

Councilman McKay: It just sets a precedent more than anything. It says that we are trying to do the right thing.

Councilman Wallace: Okay. Thanks.

Councilman Jaehnig: The last item on the Judiciary is a first reading on a resolution authorizing to a contract to extend legal services to indigent persons charged with violation of City ordinances. This is the public defender contract. Are there any questions?

A motion was made by Jaehnig and seconded by Peterson to give the first reading only on the resolution Authorizing a Contract to Extend Legal Services to Indigent Persons Charged with Violation of City Ordinances.

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, Mr. President. Thank you.

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report, Mr. President.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay: I do know that DWIC and Main Street are gearing up for another exciting summer of activities. There is, as I recall, a euchre tournament scheduled later this month and there are a lot of other things downtown. I'll try to give you a better read-out on that at the next meeting. That is all I have.

President Ertel: Thanks, Mark. Parks & Recreation Committee?

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

President Ertel: Okay. Service Director?

Service Director- Service Director Larry Reinsmith: We bid the ODOT project last week. We had a preliminary estimate of \$250,000 and we're good for 20% of that. It was bid last week. The Jurgensen Company got it. They are the one who did all the other streets. They came in at \$196,000, so our part is going to be a little less. It is supposed to start within 30 days. The project completion date is May 30.

Councilman Jaehnig: This is the seventy...

Service Director Reinsmith: This is Locust Street from here all the way out. I was talking to Ernie. Spring Street is really a mess. It would really be nice if we could just get Jurgensen to make the turn on Spring and go up there to a certain point where we paved a few years back. Then, Vine Street is rough too, and I want to see if we can get some estimates there. I'm sure we can't keep it under \$25,000, so we'll probably bid that out. We'll try to do it maybe real quick so we can start that project. Maybe we can knock those streets out right away that are really in bad shape too. In recycling, Donnie reports that he gave out his thousandth container, so about 25% of the customers have containers

now. A lot of them are low when they put them out, but maybe it's the winter and everything like that.

Councilman Jaehnig: I have a question. Are they able to purchase a second one? I had someone say that one is not enough for them.

Service Director Reinsmith: I think if they call Donnie, they can get another one.

Councilman Jaehnig: Okay.

Service Director Reinsmith: Like I said, a lot of them aren't very full when they put them out every week.

Councilman Jaehnig: I think it's the ones with the families or they don't squeeze their bottles.

Scott Kirchner: I think that's what is going on. For people who read the information, they started squeezing the plastic and the cans, where with the blue bags we weren't doing that. I know in our household, we would only need to empty that big tub once every other week right now, but we're putting it out every week. It's not full because...

Mayor Raizk: Another thing I think you'll see as the weather moderates, you will see it picking up. Because when you get one of those and it's full, it's difficult to get it to the street for a lot of people, especially some of the older folks. I think, especially dragging it over snow and whatever. Not everybody does it through their driveway. Hopefully with the weather, it will pick up.

Scott Kirchner: Some people have been hesitant because there is no lid on it with the wind. I know in our case, some of it was left on the curb this week. It's no big deal, they can pick it up next week. I think there are some people who are hesitant given the winds this winter, as well as snow and rain.

Councilman Jaehnig: Yes. When those storms came through, I watched every neighbor, including myself, start walking it out and then lose two things before we get two steps out of the garage and turn it around and walk it back in.

Councilwoman Peterson: The system is working, because we ended up with a wayward... a neighbor's container blew into our yard and we didn't know where it belonged. We emailed the landfill and we were able to return the wayward container to it's rightful home.

Paul Hunter: Larry? Grant Street has a lot of potholes. Is that going to be recoverable just to fix the potholes or is it going to require a repaving.

Service Director Reinsmith: They have been pretty busy repairing a lot of potholes. Grant Street, a couple of years ago, I know it was bad. We crack-sealed it then hoping that we could get a few more years out of it. I know Denny has been going through the tonnage of the cold mix to make those patches right now.

President Ertel: Very good. Safety Director?

Safety Director – Mayor Raizk: Nothing to report this evening.

Reports:

A motion was made by Peterson and seconded by McKay to approve the Hotel Lodging Tax Report – 4th Quarter and Auditor-Treasurer 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.

Councilman McKay: I took Councilwoman Peterson’s suggestion last week (I had actually already signed up) and went to the Community Action Head Start lunch today and sat on the little chairs and ate with the kids. I just had a great time. I encourage anybody else to do that. They have lots of things out there to participate in, and you can even read to the children. It’s a good time and beneficial for them.

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

Scott Kirchner: What is the status of the Wilmington Inn Lodging Tax?

Law Director Kathryn Hapner: We have a judgment against them. Mary Kay went out on January 10 to look at their books to see if we can determine what their actual bed usage was. Until we know what their bed usage is, we can’t determine what tax they owe. I’m assuming she didn’t have any problems doing that because she didn’t email me for any further court action. She should be determining that.

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 Peterson and seconded by Wells to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk