

Wilmington City Council met on Thursday, June 2, 2011, with President Fred Ertel presiding.

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

Chief Hatten was also present.

A motion was made by McKay and seconded by Mongold 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 Mead to approve the minutes of the last regular meeting, May 19, as received.  
Motion passed.  
Minutes approved as received.

President of Council – Fred Ertel: I would like to announce to everyone, to all members of council, that our budgetary process this year, as you know, is going to be very difficult. It is going to require all of the tools and talents that we have. To make sure that every person in Wilmington is represented, effective July 1, every councilperson will become a member of the Finance Committee, which I think is a great step. Sandy will certainly still chair that committee. That way, everyone will be on the committee and have the opportunity to speak and interact with the committee and so on. I think it is a great step forward. That will be effective on July 1. At this time, Steve Brown, would you like to say a little bit about Main Street?

Steve Brown: Me, a little?

[laughter]

Steve Brown: A couple of upcoming events that we have that we want to let you and everyone make note here. Next Saturday, I know there is a little confusion with the article that came out in the paper, “Be the Change Day.” It is actually part of a Main Street effort and some volunteers from Main Street in collaboration and support with the Chamber. We are all working together now...it’s wonderful...we’re all working as one and moving in the same direction. “Be the Change Day” would be an opportunity for public input on how we can improve our downtown. It will be from 10:00 in the morning until 1:00 in the afternoon next Saturday. For anyone who wants to seek a positive change, you will have direct input. There will be surveys. There will be tours of downtown. The tour can encompass the Farmer’s Market, so you won’t miss that if you want to come. Then, there will be some type of action plan. We don’t want to waste anyone’s time without doing something with it, so there will be an action plan by the end of that three-hour meeting. So that is a Main Street effort. The community is downtown; it’s our downtown. We really believe that Main Street operates off of your input – 100%. Most of everything we do is because you suggested it. So, coming to that, one of those suggestions a few years ago was to have a festival, so we’re doing that again this year. The third Fridays – June, July, August – we have a fun lineup this year. June 17 will be Parrots of Caribbean. They have been there before. That’s party time there, because that’s a tribute to Jimmy Buffet. We will be doing it the same way we have been doing it in past years, with a live band, local foods, and the secret ingredient...

[Laughter]

Steve Brown: ...which will include margaritas at that one. July 15, Funky G and the Groove Machine. It is, as it sounds, old school dance funk music. If someone wants to do the worm or something like that, it would certainly be appropriate at that time. In August is To Be Announced. We do have someone penciled in there, so we will

certainly have music then. But we may have an opportunity to have a bigger name come in. We will see how all of that works out. We will plan on that. Pick one of these on your way out if you have not already. The rest of the schedule is on there... Wine Walk, Halloween Bash, HoliDazzle, and the rest of our events. On the other side of it is the entertainment schedule for the Brownbag Lunches, which the first one was this afternoon at the Murphy Theatre from 11:30 to 1:00. Bring your lunch to the Murphy Theatre lobby. There are lunches available at downtown businesses, packaged just for that, so you can stop at those places. But, June and July we have a full lineup there with local musicians. That is what is going on there. Is Farmer's Market next? Are we on the same...? Let me introduce Dessie Buchanan, who is the lead in the Farmer's Market.

Dessie Buchanan: Thank you very much. I am happy to be here to announce the start of the summer Farmer's Market this Saturday, June 4. We are going to be back in the mural parking lot right next to the General Denver. Saturday hours are 8:30 in the morning until noon. Throughout the summer, we meet twice a week every Saturday morning and every Wednesday afternoon. Our hours are changing on Wednesdays. We are moving to a later time slot of 4:00 to 7:00 in the evening to accommodate some of the after-work crowd so that they are not rushing to get in by that 5:30 market end time. We are really excited about that. We think it is doing to be a great time frame. A couple of exciting new initiatives are happening with the market this year. First of all, it is our launch of an EBT program. What that is going to allow the market to do is accept food assistance benefit, also known as food stamps, just like cash, with participating vendors. So anyone using a food assistance card can exchange their benefits for tokens to use at the market. It is going to be an exciting development that makes the market much more affordable and accessible to everyone in the community. Another development is that we are really trying to make the market more of a community event. I think we have been building up in the last couple of year since our move to the downtown area, with the inclusion of live music and the General Denver music. This year, every week will have its own theme. I have some handouts both on the EBT programs and on the June event schedule. The first weeks are kind of a nonprofit deal. We are reaching out to the historical society. We already have the some of the humane societies on board. We have an art day that is going to be happening, bringing local artists in. Those are the first Saturdays in the month. The second Saturdays are all health, wellness, safety-type things. We are going to have some free fitness classes. Wilmington Police Department is going to come and have safety demonstrations. Third Saturdays are all about cooking and nutrition. The fourth Saturdays are family fun days. What is great about all of these events is there are free, they are family friendly, and we are really trying to encourage people to come to the market and stay at the market for longer than just that shopping time and stay downtown and kind of shop around and enjoy the whole downtown atmosphere. So, again, I have this handout. My contact is on those. You can go to our website [www.clintoncountymarket.com](http://www.clintoncountymarket.com), if you have any more questions.

President Ertel: Thank you so much. Okay. I believe that does my portion of the agenda. Mr. Mayor?

Mayor – Mayor Raizk: I don't have anything special tonight, Mr. President. I did want to say, since Steve and Dessie are here, I think the Farmer's Market banners are outstanding. I have heard comments from outsiders who have noticed them. Even some local folks have just noticed how sharp they look. They really have dressed the town. I was with some folks from out of town last night. Again, I think because we all live here, many times we put blinders on. It's kind of like the way we felt about our streets and curbs and gutters and those kinds of things. It was amazing to see how impressed people were with our downtown because of how good it looked, the vibrant activity, and so forth. Steve, I wanted you to hear that because I know you hear a lot of negative stuff. It was amazing. I really think a great barometer for how you are doing is how people who don't live here view it and how they think about it. I think it is good to get their input. Really, that is all I wanted to say, so thank you.

President Ertel: Thank you, Mr. Mayor. Let's look at committee reports. Asset, Acquisition and Use?

Asset, Acquisition and Use –Chairperson Sandy Mongold: No report.

President Ertel: Thank you. No Auditor's report.

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

President Ertel: Finance Committee?

Finance Committee – Chairperson Sandy Mongold: We do have two items. The first item is a resolution authorizing payment of expenses incurred in a prior fiscal year – the “then and now” notification.

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

Motion passed

In the absence of Kathryn Hapner, Brian Shidaker read resolution 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 resolution by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Brian Shidaker read the resolution by title only.

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

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

President of Council declared Res. No. 2242 passed as read.

Councilwoman Mongold: The second item we have tonight is we are renewing our bond on the landfill vertical expansion and on the Lowes Drive project. We were able to obtain financing of 1.49 through PNC Bank. Are there any questions on this? Most of us were at the meeting the other day when we went into this pretty much in depth.

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 Aggregate Principal Amount of \$1,102,500 in Anticipation of the Issuance of Bonds, for the Purpose of Discharging at Maturity Notes Heretofore Issued to Pay Part of the Costs of Constructing (I) Lowes Road (AKA Lowe's Drive) and Related Improvements, (II) An Extension to Davids Drive, and (III) Vertical Expansion of the City's Landfill, and Paying Related Lawful Costs.

Motion passed

Brian Shidaker 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; Wallace, yes; Mead, yes; Mongold, yes; McKay, yes. Brian Shidaker read the ordinance by title only.

Councilwoman Mongold: Before moving for passage, I just wanted to note that we are paying \$100,000 toward the landfill and \$12,500 toward the Lowe's Drive project for a total of \$112,500 that we are paying back in principal.

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

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

President of Council declared Ord. No. 4968 passed as read.

Councilwoman Mongold: We will inform you of when the next Finance Committee meeting is. That is all we have tonight. Thank you.

President Ertel: Thank you. Water Committee?

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

President Ertel: Thank you. Streets Committee?

Streets Committee – In the absence of Chairperson Peterson, Councilman Wallace: No report.

President Ertel: Solid Waste/Recycling?

Solid Waste/Recycling Committee: Chairperson Don Wells: No report, 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: Thank you, Mr. President. We have one item on the agenda tonight. That is the first reading on an amendment that is basically closing a loophole in our tax code in which gambling or lottery winnings are not being taxed. This is something that is actually very unusual. Most of the communities in Ohio do consider that income and do receive the tax in regard to that. This is the first reading only on the ordinance tonight to close that loophole and move forward. Any discussion or comments?

Paul Hunter: Does that pass muster as an earnings tax? Does it work that way...because we don't have an income tax; we have an earnings tax?

Councilman Jaehnig: Yes. And it doesn't apply until you've exceeded \$5000 in winnings. We are not really interested in the scratch-offs and the bingo parlors and those types of things. It is really just an opportunity for those every now and then chances to actually maybe get some funding to do projects or something of that particular nature.

Mayor Raizk: Marque, since you are here, if you would get those kinds of winnings, wouldn't they be subject to a 1099-G. Is that is what it is called, or do they give you a W-2.

Marque: They give you a W-2-G.

Mayor Raizk: Okay. It is a W-2 G now. They do not use the 1099. That qualifies it as earnings; is that correct?

Marque: Right.

Paul Hunter: Another question, if I may, if a ticket is sold in Wilmington, does it become taxable?

Councilman Jaehnig: No. You have to be a resident. We are not legally able to tax somebody for buying the ticket in Wilmington.

Paul Hunter: That kind of runs across our residency...if you earn it in Wilmington, you pay it no matter where you live.

Councilman Jaehnig: If we could figure out how to get around that, I'm sure we would be happy to do that. You have a very good point. It is something that we looked into, and we were informed that that was unable to be accomplished at this time.

Paul Hunter: It has been vetted, then.

Councilman McKay: Can the person be taxed in the community that they live in?

Councilman Jaehnig: They may already be taxed in the community that they live in, because most communities already have that. In fact, the \$5000 before it takes effect is very high. The majority of the communities are at \$1000 before they start taxing, but we thought that the \$5000 was more fair. We also didn't want to burden the tax department

in following up on very minor tax issues. If there is no further discussion, I would like to ask for the first reading.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Amending Codified Ordinance 171.03(A)(1) to Include in the Definition of Income Subject to the Imposition of City Income Tax Pursuant to 171.03 Any Amount Over \$5,000 that is Won by Lottery, Gambling Sports Winnings or Other Games of Chance.

Motion passed

Briand Shidaker read ordinance by title only.

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

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

President Ertel: Thank you. Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: No report.

President Ertel: Thank you. Downtown Revitalization Committee?

Downtown Revitalization Committee - Convener Mark McKay – I think we had a great report on that already. We'll just keep revitalizing.

[Laughter]

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

President Ertel: Thank you. Parks & Recreation?

Parks and Recreation Committee - Convener Bob Mead: No report, Mr. President.

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

Service Director- Service Director Larry Reinsmith: No report.

President Ertel: Very good. Safety Director?

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

Reports:

Councilman Jaehnig: I have one question. On the 'additional' does that mean that this is like a supplemental to the previous report that we had on the first quarter.

Mary Kay Vance: Yes. That was missing and not paid when we had the original report to you at the last meeting.

Councilman Jaehnig: Okay. I just wanted to make sure I was understanding that correctly.

A motion was made by Wells and seconded by Mongold to approve the Income Tax Report – May 2011, and the Additional Auditor's Hotel Lodging Tax Report – April 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.

Dick Unger: 1036 N. Lincoln St. A couple of quick issues. I realize that sometimes council members may not have a report. I come to council meetings to get information,

which results from the council reporting. They have a new high-tech machine guy back here, and I'm sure that people who tune into that would like to see that. Perhaps whoever supports him might say maybe my dollars would be better spent somewhere else. If they don't have a report, who is going to listen? The subject that kind of comes up, and we have no report on it tonight, however, the newspaper gave us a nice report on it yesterday, was our water. I don't know if you all read about our drinking water. Both lakes tested high for bacteria – Cowan Lake and Caesar Creek, which we get our drinking water from. Now to me, that would generate a report from the Water Department guy. The other thing if you read into the article it really kind of makes you stop and think about it is the latter part of that article says "removing the bacteria involves chlorinated..." Wait a minute, let me back up here. It says, "using the alternate source of water, (which is our original source of Burtonville), is easier than treating water from Caesar Creek." "Removing the bacteria involves chlorinating the water. We're in no hurry to go back to it." ...meaning Caesar Creek. Why is that? We spent a lot of money getting the Caesar Creek water for our use and now we are getting reports that it is too expensive and not such a good idea maybe to treat that water. It's not maybe the quality of water that we thought we had.

Service Director Reinsmith: Dick, we went off the lake several weeks ago. The one thing you need to remember, with all of the heavy rains, that is an abnormal thing. It's washing all of the fields and all of the pastures and all of the cow patties and all of that. That is where they are picking up all of those germs. Once we get those kinds of rains, we just shut off. We also had times in the spring, too, when the water is too muddy to treat. You can treat it, it just gets real expensive. We can go to a cheaper way to treat it with those two reservoirs. We have plenty of water out there. It is pristine out there. So, we just go off of that for a while and then as the water passes through and settles down and cleans up, then we go back to Caesar Creek. It is an economical thing to do. We can treat the water and it tastes just the same, but it takes a lot more chlorine and everything.

Dick Unger: I know when you are on it, because there is a lot more chlorine.

Service Director Reinsmith: We have a dual-feed system and it just works out better that way.

Dick Unger: My point is, is the quality at Caesar Creek what we really want it to be? Do we need to be talking to the EPA? Maybe there are too many wave runners over there.

Service Director Reinsmith: They would like you to protect your water shed. Of course, that is several hundred acres that we have no control of. We can't control any of those farms up above that lake. The EPA would love to see it happen, but it would take some heavy legislation out of the state to get that done.

Dick Unger: It has to start from some place.

Mayor Raizk: I think the issue, Dick, is that in normal times we do not have that problem at Caesar Creek. With this unusually heavy rain we've had this spring, there has been a lot more infiltration into the lake than we have had before. Our system is designed so that, as Larry says, we can roll back and forth. It is less cost for us to do so. There is no danger either way because we treat the water to the same standard no matter which way it goes. At delivery at your house, it is going to be of the same quality. However, there is no reason to do more chlorination when we have a source that allows us not to do it. Then, as Larry says, when we get the periods of high turbidity, where we get a lot of cloudiness and mud, it is easier to roll back to our reservoirs. When that calms down, we can go back. The reality of it is, while we have the flexibility to switch, as a long-term water source, the Caesar Creek provides us the volume we could never get out of Cowan Creek. By having the two reservoirs, (and that is why we really never got rid of them), we are able to switch over. So it is, one, less costly and, two, we do have a great backup source should there be any problems. In terms of the watershed, yes, we would like to protect more of the watershed than can be protected. There are folks that are actively engaged in protecting the watershed (I can't think of their name... something like Little Miami River Partners). These groups are trying to protect the feeders into Caesar Creek. This spring was especially bad because of the huge amount of rain we had and the

washing of fertilizers off the fields. Then again, the economy in this area is based on agriculture as well, so it is kind of a trade-off.

Dick Unger: I understand everything you're saying. To me, it just raised the flag to ask the question...

Mayor Raizk: It is a good question.

Dick Unger: ...about the quality of the water on its norm. I know there is a lot of boat traffic over there. I also know that in some lakes, in California for example, wave runners are not permitted because they don't utilize the fuel so much and their fuel goes back into the water system and the fuel is treated for air pollution, which they can't clean up when it comes to human consumption, so they just outlaw them altogether.

Mayor Raizk: I think part of that article addresses that the high content is of concern for the recreational use as well, in terms of swimming and so forth, because it is bacteria content and chemical content. It is a question that bears asking, that's for sure.

Dick Unger: We all use that water. I fish and utilize the lakes and I am aware. That is all I have.

President Ertel: Thank you.

Councilman Wells: I would like to say something to Dick. If I say "no report," basically what I am saying to the president is our committee has no legislation that needs to come before the council for action. That is just what that means.

Dick Unger: To me, "no report" means I haven't been there, there is nothing going on, and we don't need to tell the public anything. That is what "no report" means to me.

Councilman McKay: Once in a while we do surprise you with a report.

Dick Unger: That is nice when that happens, too. It makes you feel like you are part of the community.

Paul Hunter: 200 Randolph St. I just want to add to what Dick brought up. Warren County and Greene County, two contributors to Caesar Creek, have strict control of septic tank discharges. This county does not. We are the major user of that water, yet we are the only county pumping stuff into it...groundwater from unmaintained septic systems. There is no control. Nobody inspects septic systems. Nobody makes them change over to the alternate leach beds. It has been a long problem. Chester Township, as you know, is the biggest population growth area, and every one of those houses has a septic system and they are not state of the art. Ohio did legislate that they had to be state of the art, but the real estate people said, "We don't like that rule," and they rescinded the proper treatment of surface water. In that area especially, because it has very poor drainage and percolation. In the long term, pressure on the county and on septic tank users has to become a coordination problem. We're the water consumers, but they are responsible for the rural sewers and filtrations. Thanks.

President Ertel: Thank you.

Councilman Jaehnig: Mr. President.

President Ertel: Yes sir.

Councilman Jaehnig: I just want to say that I am happy to say that, after a long working relationship, this Sunday we finally have racing going on at the Air Park. It will be out at the DHL Welcome Center, the Employee Parking Lot, starting at 9 a.m. The engines will be roaring and we will have our first racing event in solo racing. It is totally free. If you want to come out and see what it is all about, please do. We greatly appreciate it, if you are all excited about racing. Fred? Get your car and come out. We'll get you signed up to race. Thank you, sir.

President Ertel: Very good. Yes. Perhaps maybe in two-three years, I'll have it done.

[Laughter]

Councilman McKay: Are there going to be vendors out there?

Councilman Jaehnig: There are going to be some vendors out there. We are trying to confirm the last of them right now. Generations is confirmed. Generations will be out there and they will be doing a lot more than just pizza. We are working on a few others to get them worked out. Being out at the Air Park we have a few other regulations that we have to overcome, so we are still working on that. We are very close. It will be the first of four events. We are trying to lock down the other dates, hopefully by the end of the day tomorrow.

Councilman McKay: So people can expect something to eat and drink if they come out.

Councilman Jaehnig: Definitely. Thank you for the questions.

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 Mongold and seconded by Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

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President of Council

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Clerk