

Wilmington City Council met on Thursday, February 2, 2012, at 7:30 p.m. with President Scott Kirchner presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, absent at roll – joined meeting later; Mead, present; Siebenaller, present; McKay, present.

Acting Chief Duane Weyand was also present.

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

Council gave the Pledge of Allegiance to the flag.

President – President Kirchner asked for a motion to approve the minutes of the January 19 regular meeting of council.

Mayor Riley asked to change the bottom of page 3 in the portion regarding the mammography van. He said the date should read February 22 rather than February 27.

President Kirchner also mentioned that on the current agenda it indicates that the minutes were from January 19, 2011. He corrected that it should read 2012.

A motion was made by Jaehnig and seconded by Mead to amend the minutes of the regular meeting as stated above.
Motion passed.
Minutes amended.

A motion was made by McKay and seconded by Stuckert to approve the minutes of the last regular meeting as amended.
Motion passed.
Minutes approved as amended.

Mayor – Mayor Randy Riley introduced Keith Valiquette from Honeywell to talk about the City of Wilmington's energy program.

Keith Valiquette: Honeywell International. First of all, thank you for allowing me to be here. It's great to come back here. This is actually one of the fun parts of the job. No matter how one of our energy projects turns out, the opportunity to work with a company like Honeywell to stand behind what we said we'd do about a year ago and be able to bring back results. What you should have is really a brief overview of what is contained in our report. We delivered, I think, three or four copies to Larry. So, if you need any additional copies of this report... Basically, what you have is the savings portion of what's contained in here and I would be glad to provide electronic copies of this report. I wanted to briefly talk about a couple of items and then open up to any questions you might have. First of all, when we projected the project costs, we took into account the fact that there would be some energy rebates available through DP&L as well as Vectren. Actually, DP&L in this case. We estimated about \$39,000 and we came up with about \$43,000. We always try to err on the conservative side and actually overachieve those. So, we were able to get some additional rebate dollars from DP&L than what we had originally projected. The other program that requires a little bit of an explanation is the Demand-Response Program. The Demand-Response Program is administered through DP&L Energy Resources, which is a sister company to DP&L. It is actually administered with what is called the Transmission System, which is PJM, which stands for Pennsylvania, Jersey, Maryland, which is basically the transmission grid. When the utilities deregulated, that is a third party that operates the transmission. They are always in need in other parts of their system of being able to shed load. The PJM Demand-Response Program provided an opportunity for (and this was part of the scope of the project) for you to operate your generators at the water facilities to demonstrate reduction of your load when PJM called for it. I don't believe they have had to exercise

that, so on an annual basis, all you have to do is (and I think it's sometime in August – I don't remember the exact month), but you actually have to exercise the ability to start your generators. We took into account the costs of fuel, etc. when we developed that contract. Essentially, they will write you a check to participate in that program. We estimated about \$9900 in revenue from that program, and last year, over the last 12 months, it has performed almost \$12,000, which is really where we want to be. That was actually set up as – we only counted the savings of the revenue from that for two years – so, if the program continues and extends into a third year, that's even more positive money back to the city that we weren't counting on. The last thing and probably the most important thing in standing behind what we said we would do in front of council is the Energy Guarantee. Now, we look at the Energy Guarantee in two different pieces, if you will. Number one is during installation. So that once council voted to move forward with the contract, we immediately hit the ground running to try to implement as quickly as possible so you get the savings as quickly as possible. The projects that we hit first, because they are a lot easier to deploy, also provide the best benefit are things like lighting, where we went through and did lighting retrofits of your buildings as well as traffic signals. Those provide a really good payback. They're very easy to deploy as we are waiting for, for instance in this building, some of the HVAC items to come in. So, during the installation period, which was November '09 until October 2010, we actually had and started accumulating almost \$60,000 in savings back into your budget. The other thing that that accomplished, because of the way the payment is set up with the bank across the street, it allows you to start getting some positive cash flow back from the savings to be able to make the first payment to the bank. So, it is a great way to hit the ground running and get some savings early. Then from that point, once Larry signed off on the project and said everything was finished per the specification of the contract and that everybody was happy with the punch-list being knocked out, then we actually started the 15-year guarantee period, which actually started in November 2010 and went through October 2011 of last year. During that period of time, our first year savings ended up being \$173,000, almost \$174,000. The guarantee that is in our contract with the city is \$164,000, which essentially puts it at about \$69,000. If you include the installation period savings, it actually puts you about \$69,000 ahead of our projections, which is where we want to be. It is probably a little bit better than what we had projected. What we typically do is look at what is 100% of the savings we think we can derive from the projects that we've designed. Then we back that down to maybe 92% to give a little leeway. So, if you operate your buildings a little differently, have additional community events in a building, it doesn't throw the savings off. We actually over-performed even what we suspected with that conservative approach. The other two documents you have are really kind of the break-down from the report on what I just demonstrated to you. So, if you take into account the construction term savings, we're well ahead of where we want to be. I'll open it up to questions. I'll keep this short, but I want to be here to answer any questions you might have.

[Councilman Wallace joined the meeting during Mr. Valiquette's presentation]

Councilman Jaehnig: In comparison to our first year's payment on all of the expenses, what is the comparison between the two.

Keith Valiquette: The payment I had, Mary Kay provided that to me. I believe \$128,000 was the payment. Then, on the annual basis, there was money in the contract for us to do the annual measurement verification. So, what we do is project what we believe your usage will be based on our calculations, then we track that against actual utility bills. Then, our auditor will come by here on maybe a quarterly basis when he is in the area just to make sure things are happening. Then, on an annual basis, which we just did last week, we sat down with staff and presented the report. So, if you take all that together, you are still right on target. \$164,000 is what we were shooting for as far as the energy, and I believe your payment was \$128,800 with the bank.

Councilman Jaehnig: So, is that where the net result is coming into this \$69,000?

Keith Valiquette: No. The net result... We don't take the finance into this. We can show that. It is still going to show that you are above what we projected it to be. Our guarantee amount is \$164,000 on an annual basis.

Councilman Jaehnig: Which we already know would be above the expense or we would have never have moved forward.

Keith Valiquette: So, doing the math, I don't think anything changed with the loan from the original projections. So, you are right in assuming that that number is what you would be above the cash flow that we originally projected.

Service Director Reinsmith: The original money was the head start - the date they started tracking from the get-go.

Councilman Jaehnig: During the construction.

Keith Valiquette: Exactly.

Councilman Jaehnig: I was just curious what our cushion was above what our expenses were?

Keith Valiquette: It wasn't a lot. If you remember, there were a lot of needs that we were trying to take care. Just as a quick review, we did heating and cooling in this year. This building has heat pumps above the ceiling. It is a water-source system. We replaced the building control system in here. We did lighting. We did traffic signals. We did some emergency generators at a couple of your facilities. We put in UPS backup at a couple of intersections. If you remember, it has been a while ago, but when we got the force of what was left of the hurricane, everybody's lights were out for a long time and intersections were scary at times. So, by going to the LED technology at some of the key intersections and dropping the usage down to practically nothing, then we were able to put in a fairly cost-effective UPS system intersections. I don't remember how many intersections it was. So, not only did it have the energy perspective but also had a safety component to it. We did the roof over at Fire Station 2. Hopefully that building is sealed up tight. You did all the work inside the building. Now the roof is in place. Hopefully that will take care of that investment for a number of years. We put in some programmable thermostats. As I mentioned, we did some emergency generation at the transit building at the service garage.

Mayor Riley: I think energy conservation is a very important part of what we all should be doing. Keith, I appreciate what you and Honeywell have done for the City. Thank you.

Keith Valiquette: Thank you for your time.

Mayor Riley: There were just a couple of items. It was noted in the newspaper we were quite busy yesterday entertaining Israeli guests. We had two gentlemen from Israel – Zvi Herman and Daniel Kutner. Mr. Kutner is Consul General and Zvi is the Minister of Science and Agriculture from Washington DC from the Embassy. We were talking to them at some length, as you saw in the paper, about some opportunities to do business and implement some commerce between this area and Israel. I say this area because it wasn't just Wilmington and Clinton County, but we also included our friends from Highland County and Fayette County, so we had a very productive meeting with those gentlemen that went quite a while. I believe we made some good progress. Hopefully, we will be able to get some commerce going with the Air Park and the transportation of cattle by air. Also, I would like to point out, just as a third item, this afternoon we had the Business After Hours at Boyd Cancer Center. They were having the 5th Anniversary of the opening of the Boyd Cancer Center named after Dr. Jack Boyd. I would just like to note how important that building has become for this community. If you have ever had or any of your loved ones have ever had cancer, I could almost guarantee you that that includes every person in this room, you know that the five-year survival is a lynchpin. That is a very important mark for people. If they survive five years without a recurrence, they can pretty much take a sigh a relief. The Center has now been open for five years. Praise God, we have people that we diagnosed, went to the Center and are no longer cancer victims – they are cancer survivors. That has all been done locally through CMH and through the Boyd Cancer Center. So, when we talk about buying locally,

which is a very important thing for this community, we also need to recognize that we have a great opportunity to be treated locally with a state-of-the-art facility at our Oncology Center, the Boyd Cancer Center. It also was the kick-off for Relay-for-Life, the signature event for the Cancer Society for fundraising. That also kicked off tonight as part of the anniversary celebration of the Boyd Center. I encourage everyone to get behind the Relay program. I have been part of it for several years. I always say, somewhere in the United States sits an unused Petri dish in which we will find a cure for cancer. Wouldn't be great if money raised here in Clinton County bought that Petri dish. We are getting close and there are opportunities. I encourage everybody to support Relay for Life. Thank you.

President Kirchner: Thank you, Mr. Mayor.

President Kirchner asked the record to reflect that Councilman Wallace had joined the meeting.

Assets Acquisition and Use: Chairperson Bob Mead had no report.

Auditor – Auditor David Hollingsworth had no report.

Finance Committee – Chairperson Bob Mead: There are three items on the agenda. The first is an ordinance making supplemental appropriations. There are two different appropriations in this ordinance. The first one, you will remember from the last council meeting, is a \$70,000 amount for CORF. That is either the final or one of the final invoices to be paid for the repair, maintenance and rehab of the Textron building for the Solid Waste Department. That is for the end-wall on the building. It is all in and fine and everything looks great. The second part of that ordinance will be accepting a \$100 gift from Dr. Matrka, who apparently does this regularly to help support the K-9 unit at the police department. Those of the two items that are on this ordinance making supplemental appropriations.

Councilman McKay clarified that it was the Wastewater Department using the Textron property, not the Solid Waste Department.

Councilman Mead thanked Councilman McKay and said that he had misspoke.

A motion was made by Mead 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.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5011 passed as read.

Councilman Mead: The second item this evening is the first reading on an ordinance making miscellaneous transfers. This involves the Police Department and the necessity for having money to pay for one of the Police Officer's to attend classes. According to Union Contract, it is all above board and agreeable. The chief just needs to move some money from one line item to another.

A motion was made by Mead 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.

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

Councilman Mead: The third item, Mr. President, is three readings on a resolution authorizing a request for advance payment for settlement from the county. It is my understanding that this is something that happens once or twice a year where the city makes a request to the county to go ahead and pay them the money that is supposed to come to the city. It is basically a housekeeping operation.

Auditor David Hollingsworth: If I could interject, Bob. This is a request for the real estate tax monies that the city receives. We are requesting an advance since it's paid in two installments during the year. If you are a property owner, you pay in February and then again in July. So, we are requesting an advance before we get our final settlement for cash flow purposes so we have money to operate on.

A motion was made by Mead and seconded by McKay to give the first reading only on a resolution Authorizing a Request for Advance Payment for Settlement from the County. Motion passed

Director of Law read resolution by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2271 passed as read.

Law Director Shidaker: This is an ordinance. Do you want to do an emergency on the resolution as well? The advance payment for settlement? Do you want both of these to go as emergencies?

President Kirchner: Do we need that to be an emergency there? Probably so. And it doesn't say it in the language?

Law Director Shidaker: No. It does.

President Kirchner: It does?

Law Director Shidaker: I think so. That's what we were planning on doing. I was planning on doing these as emergencies.

President Kirchner: Do you need a motion to make them an emergency if...?

Law Director Shidaker: The same thing we just did with that one on the one that the auditor talked about – the resolution authorizing a request for advanced payment for settlement from the county. We need to do that one now.

President Kirchner: What do we need to do, because I thought we just...?

Clerk Brenda Woods: We did that one.

Law Director Shidaker: On both of them?

Clerk Woods: Yes.

Law Director Shidaker: Okay.

Paul Fear: Point of order. He read it wrong. Bob was making a motion for the authorization to request for advanced payment for settlement to the county and Brian read miscellaneous transfers. He read the wrong suspension of rules.

Law Director Brian Shidaker: Oh, that's what happened. Correction: That would be an ordinance making miscellaneous transfers.

President Kirchner: This one.

Law Director Shidaker: Okay. Law Director read the resolution in title only.

Laura Curliss: Point of order, if I may, I think all financial ordinances and resolutions are immediately effective. You don't need to say they're an emergency.

Law Director Shidaker: Okay.

President Kirchner: Very good. Thank you.

Councilman Mead said that was all he had on the evening's agenda.

Water Committee – Chairperson Mike Wallace: We have two items on the agenda for this evening. These are items that come up before council at least once a year. The first one is the first reading on a resolution giving our mayor authorization to advertise for bids and purchase of chemical for treatment.

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

President Kirchner asked for discussion.

Seeing none, President Kirchner called for a vote.

Motion passed.

Director of Law read resolution by title only.

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

Councilman Wallace: The second item is something similar. We have to haul the sludge out of our retention pond, so we need to give authorization to advertise and contract for that process. Are there any questions?

A motion was made by Wallace and seconded by Stuckert to give the first reading only on the ordinance Authorizing Advertisement and Contract for Hauling of Lime Sludge from Water Treatment Plant.

President Kirchner asked for discussion.

Seeing none, President Kirchner called for a vote.

Motion passed

Director of Law read ordinance by title only.

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

Councilman Wallace: I must say we had some ferocious middle school basketball games tonight and that was the reason I was tardy. I apologize, but we had a lot of great basketball played out by the middle school students.

Mayor Riley: How did the Hurricanes do?

Councilman Wallace: This was a tournament, and neither one of our teams were in the tournament. They drew the games for Saturday.

President Kirchner: If you could turn your coach's note into the clerk.

[Laughter]

Councilman Wallace: Will do.

Streets Committee – Chairperson McKay had no report.

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President. We have nothing on the agenda. However, we do need to have a committee meeting to talk about passing some legislation for our fees. We're going to have to try to set up a committee meeting as soon as we can.

President Kirchner: Do you have a date in mind?

Councilman Wells: No. We had one earlier, but that fell through. So, we will have to try to rearrange that. That is all.

Wastewater/Sewer Committee: Chairperson Loren Stuckert had no report.

Judiciary Committee: Chairperson Rob Jaehnig had no report.

Safety Committee- Chairperson Wells: Mr. President, I have one item on the agenda tonight. It is three readings on a resolution authorizing the mayor to sign a memorandum of understanding to accept a gift and declaring an emergency. However, our resolution does not say, declaring an emergency, so we need to amend that.

A motion was made by Wells and seconded by Mead to amend the resolution to declare it an emergency.

President Kirchner asked for discussion.

Seeing none, President Kirchner called for a vote.

Motion passed.

Resolution amended.

A motion was made by Wells and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Sign a Memorandum of Understanding to Accept a Gift

President Kirchner asked for discussion.

Councilman Wells: Chief, would you like to explain what this gift is?

Assistant Chief Weyand: It started out as a necessity, not just for the Police Department, but for some of the other departments to have WebCheck. We are required every five years through the Ohio steering committee that operates our LEEDS system, which is how we do our background checks or how we run license plates or driving record information through the Police Department, we've always had a need to have people fingerprinted, so we have had to send them out and kind of outsource it. It became a problem with scheduling and a problem getting it paid for. We have also encountered problems with the Park or the Taxi Cab and they have had a need to have people fingerprinted and have these background checks done. I was fortunate enough to work through a few vendors and was able to get in contact with the Director of the Attorney General's office and he was able to get us one of these systems for free – at no cost to us. There is a fee for using it, but the nice thing about it is, we are able to fingerprint our own personnel, any prospective employees, seasonal and intermittent employees at the parks or the seasonal people that we hire at the cab service. We will be able to fingerprint them in-house. It is a cheaper rate to do it for the city. At the same time, it makes it easier to schedule the service because it is here, inside the City building. Then, we are able to sell the service to people – teachers, nurses, whoever, - who need to be fingerprinted for employment. We can sell the service to them and make money off of the machine itself.

Councilman Jaehnig: We use that same service or method for our coaches in the parks department also, correct?

Assistant Chief Weyand: Correct. Well, in the past, we have sent them over to the Ohio Board of Education, which is over at Laurel Oaks. Now we will be able to do it here. We will be able to pay less as the City for the service.

Councilman Wallace: Is this the same system that the Sheriff's Office has?

Assistant Chief Weyand: Yes. The same system.

Councilman Stuckert: It has a substantial value too...

Assistant Chief Weyand: It's about \$8000. It's free to us.

Councilman Wallace: And this costs us nothing?

Assistant Chief Weyand: It costs us nothing.

Councilman Wallace: And what do we pay when we use it?

Assistant Chief Weyand: You pay \$24 for a BCI check, which is a state check and then you pay \$24 for the federal check. Like when we go to send our employees to have it done, typically we are paying between \$56-\$58 to have both of those done. So, we will save about \$10.

Councilman Wallace: Are saying it costs us \$48 to do a federal check. Could you just do a state?

Assistant Chief Weyand: Well, for state and a federal it is \$48. It's \$24 a piece. Those fees are consistent. It's in MOU that I am asking the mayor to sign. That's the same whether it's at the county level or if the school has a system. The fees are consistent across the board.

Councilman Mead: Are we talking about a one-year cost or is this just a program you are given and it will last forever?

Assistant Chief Weyand: The system itself will be ours until either it's outdated or until new technology presents itself.

Councilman Jaehnig: How many requests for this identification do you have on an annual basis?

Assistant Chief Weyand: On a given week, we probably have at least three or five that will show up wanting it. When you have the system in place through the Attorney General's website, they will list you as a vendor or as a place that you can get it done. People will be able to look at it and say, well, I live in Wilmington I could go to the Police Department.

Councilman Wallace: So, three to five a week?

Assistant Chief Weyand: Yeah. But, then you have to figure that we still have to do our own employees that I have to do. I don't know how many people we hire at the park each year or at the cab company. We probably hire a handful a month with the turnover. There is no cost to this at all. We make the money off of it, and we get a system.

Councilman Wallace: We pay to use it. Sort of a like a credit card. I use credit cards all the time, but I end up paying every time I use the darn thing.

Assistant Chief Weyand: Yeah. You pay it if you use it. If we don't use it, there's no charge. So, you only pay if someone does it. That's the thing, you collect the money from the person who is getting fingerprinted. So, we're not out anything.

Mayor Riley: If we didn't have this, we would be having to pay to get it done elsewhere.

President Kirchner: In the case of our seasonal employees and new employees, we would actually have paid another vendor to do this. Now, we will be able to do that at cost as opposed to pay more for it elsewhere.

Councilman Wallace: Right. So, when I come in and I get fingerprinted, the money I pay, does that go into the General Fund or does that go into the fund for the Police?

Assistant Chief Weyand: It goes into the General Fund.

Councilman Wallace: So, then, the General Fund will be billed for this thing as well?

Assistant Chief Weyand: If you come in and get fingerprinted, we'll probably collect between \$56 and \$58 for you to be fingerprinted for a state and a federal background check.

Councilman Wallace: Right. I'm asking where the money is going in and going out of.

Assistant Chief Weyand: We'll have an established line item so there is a money transfer in and money transferred out.

Councilman Jaehnig: But your cost will be \$48.

Assistant Chief Weyand: Our cost will be \$48.

Auditor David Hollingsworth: To me, it is a no-brainer. It's a free system and we have to pay to have it done anyway. This way we keep the money in house.

Councilman McKay: It's additional revenue.

Assistant Chief Weyand: And there is the scheduling convenience of doing it here. Rather than at most places, it's Monday, Wednesday, Friday. It will be nice to have it here and we can accommodate most any schedule.

Councilman Wallace: When do you anticipate this being?

Assistant Chief Weyand: I'm hoping within the next thirty days, as soon as we get the MOU in place. I've already got it sitting downstairs and plugged in. I just can't use it until I have the signature in place.

Councilman Wells: That's why we are doing it as an emergency.

Councilman Jaehnig: I would like to applaud you, Chief. It's another example of going out there and finding ways to save us some money and get the job done. Thank you.

President Kirchner asked if there was further discussion.

Seeing none, President Kirchner called for a vote on the motion.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2272 passed as read.

Councilman Wells: I would also like to add that it is with grateful appreciation the City does hereby accept such gift. We thank them very much. Thank you, Chief. That is all I have, Mr. President.

Downtown Revitalization Committee - Convener Mark McKay had no report.

Parks and Recreation Committee - Convener Rob Jaehnig: We have no official report, but I would just like to make a mention on one item, a list of meetings have been released today. They continue work on the plan for the master trail plan for the county. There will be dates: The Trail Coalition, with the Visitor's Bureau, Regional Planning. So if you have an interest in having a voice in that master plan, there are going to be multiple opportunities coming up. Again, February, March and April. Toward the end, we will have a City Parks Board meeting to discuss this also. I am very pleased to see that project moving forward. That is all I have, Mr. President.

Service Director- Service Director Larry Reinsmith: No report, Mr. President. I will say that we do still have plenty of salt.

[Laughter]

President Kirchner: I believe that could possibly be the best report you have ever given.

Service Director Reinsmith: Our overtime is way down.

President Kirchner: We appreciate both efforts at cost savings. If you could keep the 65 degree weather, I think the council would...

Service Director Reinsmith: I haven't heard...did the groundhog see his shadow today?

[Affirmative answers and banter about Groundhog Day]

Safety Director – In the absence of Safety Director Russ Burton, there was no report.

Reports:

A motion was made by Wells and seconded by Mead to approve the 2011 Municipal Court Operational Report and the Income Tax Report – January 2012, as received.

Motion passed.

Reports accepted as received.

President Kirchner: 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. This situation is located here. At a recent meeting held by Rob, they discussed the gateway to the city and how it appears to people coming into the city. This particular instance I have complained over the years for some kind of remedy to no avail. As you can see from those pictures, it's not a very nice situation we have. I have suggested to at least put a barricade around it, some kind of a temporary fence around the parking lot. Theoretically, someone runs in there at night and ruins their front axle, the city could be held liable for not enforcing their own codes. Whether or not that is so, I don't know, but it is a possibility. That stuff speaks for itself. I have no more to say about it.

Service Director Reinsmith: Paul, is that the shopping center you are talking about it?

Paul Hunter: Yes. You told me something about the church buying it or something.

Service Director Reinsmith: There is that discussion, but also, there are not a lot of codes that cover commercial properties. We have a property maintenance code, it is only for residential properties. The Ohio Building Code doesn't cover things like that.

Paul Hunter: I don't see any exception in the code.

Service Director Reinsmith: It's residential.

Paul Hunter: You mean, if a business has a sidewalk gone in front of it, you have no tools to enforce?

Service Director Reinsmith: Now, that sidewalk is in the right-of-way. This is private property.

Paul Hunter: But we... I don't want to get into a big...

Service Director Reinsmith: I know. But there are differences.

Paul Hunter: But we do control...we have an obligation to keep the building and facilities safe, do we not? Or is that a criminal...?

Service Director Reinsmith: Okay. I walked through this myself. Where do we go from here?

Paul Hunter: The city could patch it or put a fence around it and build...but they won't do it...or condemn the property. I suppose they can condemn.

Service Director Reinsmith: ...spend the money they don't have and they could put it on their taxes and hope that they can get it someday. Right? Those are the problems we are faced with.

Paul Hunter: I don't have the answers, I just have the problem.

Service Director Reinsmith: I know.

Paul Hunter: I rely on the experts, or the people that have to do with safety and appearance, which is his committee...

Service Director Reinsmith: I'm sure they would love to sell that building...

Paul Hunter: Well, it's lost half its value...

Service Director Reinsmith: Well, they're upside down on it to start with, so I'm sure they want to throw more money into a parking lot.

Paul Hunter: Well, then, take it over. Condemn it. Demolish the building, put it on the list and we can sell it to a new vendor.

Councilman Jaehnig: I appreciate you bringing this up, Paul. I know one of the issues that we have with that particular property is while the appearance is that it is part of that strip mall, unfortunately, it is two separate pieces of property.

Paul Hunter: The parking lot that faces the building, that is on the same parcel.

Councilman Jaehnig: I agree with you on that. What I am saying is, when they have attempted to fill this, the agreement in putting in the strip mall gives the strip mall some rights of refusal on who's allowed to move in. That is where we are coming into issues with the church that wants to move in. The renters or the businesses that are in there don't want non-retail moving into that space. For some reason, they feel that having somebody in there instead of nobody would be better for their business. It makes no logical sense to me, but that is part of the issue that we are running into. But, I agree...even if we can't legally do anything, I think it's a discussion that should be opened. We have an issue, let's all sit down and see if there is some way we can come to terms. Because that lot is getting worse and worse and worse. You're right, somebody is going to break an axle in there. That is on private property. Unfortunately, it doesn't give us much.

Paul Hunter: I don't think it is too much to ask for them to put a picket fence around that...at least the part that faces the bank and the Hallmark.

Councilman Jaehnig: I think it is a discussion that definitely should be had in regards to public safety. I appreciate you bringing it up.

Councilman Stuckert asked about condemning the building.

[TRANSCRIPTION INTERRUPTED – END OF TAPE]

Service Director Reinsmith: Maybe Brian could research that a little bit. You're going have to do it sooner or later.

Councilman Jaehnig: It is still something that we could have just an open discussion about. What can we do?

Service Director Reinsmith: He's gone out before and he has patched it. He's put gravel in those holes. He's put cold patch. I know he's way upside down on that deal.

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

Bob Johnson: 326 Walnut Street, Port William, presented a campaign speech for the office of Clinton County Commissioner.

Molly Dullea, 81 W. Main Street, Wilmington, presented a campaign speech for the office of Clinton County Commissioner.

President Kirchner 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 Kirchner 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