

Wilmington City Council met on Thursday, February 16, 2012, at 7:30 p.m. with President Scott Kirchner presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, present; Siebenaller, absent (joined meeting after roll call); McKay, present.

Acting Chief Duane Weyand was also present.

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

President Kirchner: I will share with council that Councilman Siebenaller had indicated he does have parent-teacher conferences tonight and would likely be arriving a little bit late, so we may see him before the evening is through. If you would all stand for the Pledge of Allegiance, I would like to ask Pat Taylor, who is working on his citizenship badge, and his brother, Steven Taylor, to lead us in the Pledge of Allegiance.

Council gave the Pledge of Allegiance to the flag.

President: President Kirchner requested that all present put their cell phones on silent mode for the remainder of the meeting.

A motion was made by Jaehnig and seconded by McKay to approve the minutes of the last regular meeting, February 2, as received.
Motion passed.
Minutes approved as received.

President Kirchner: The second item and last item on my part of the agenda tonight is that in your packets you received a copy of the edited council rules that Ad Hoc had met and worked on. They went through the Law Director. There was one additional edit.

Clerk Woods: I didn't send them out.

President Kirchner: We didn't send them out?

Clerk Woods: We did before. Not the revised ones that we just fixed today.

President Kirchner: Okay. You will be receiving these. We will be trying to schedule an Ad Hoc meeting between now and the next council meeting to review those edits and address some other items, but we will be voting on those as a council. It is required at the beginning of every year, and I just wanted to make you all aware that they were coming with the edits that Ad Hoc had done. That's the end of my portion.

Mayor – Mayor Randy Riley: Just a point of personal privilege, if you don't mind, I have found many of the things that the mayor has to do are not all that much fun. One of the things that I truly enjoy is having scouts with us. A few weeks ago, I believe I mentioned that I was privileged to award a proclamation to one of our Eagle Scouts – Zachary Davis – and that was a great joy. It's good to have you young men here also working on your badges. Hopefully, some day we will be seeing you at an Eagle Court of Honor. The second item that is just a good time. I performed my very first wedding on Saturday and that was fun. Mr. and Mrs. Shaw are out there enjoying themselves as a wedded couple now. Other than that, Duane, I think you had a few comments about the Open House that we are going to be having.

Assistant Chief Weyand: Yes. In your packets you received a flyer announcing we are going to have an Open House for Dispatch. It was finished in late fall. We received about \$140,000 worth of funds through Congressman Turner's office. We were also able to use other funded money to complete our dispatch. We were able to finally put it all together and finish it all by the end of the year. We had a few things that we've tweaked

here in January. So, now it's pretty much ready to go. We're having an Open House that will start around 5:00 and will run to about 7:15. So, if you are able to stop in during that time I would appreciate it. We will show you some before pictures and after. We will show you what we were able to purchase with that money. I know the mayor's office extended the invite to Congressman Turner himself, so it will be nice to have him down and thank him for his support for, not just the Police Department, but our community as a whole. You are very much invited to stop in.

Councilman Wallace: Is this on-line now?

Assistant Chief Weyand: Yes it is. Everything is up and rolling and all functional. We even had the vendor coming that we purchased all the stuff through, and a representative from the company will be here as well. They will be able to answer any questions and talk about it. The technology has changed. It's moved on from 20 years old to current technology in the matter of a month. It made it really nice. Another thing I promised everybody is they would get a Hot Wheel when they came in. You all got yours tonight. This was about a year-long process where we were able to get a company called Green Light Toys. They saw us through Glenn Beck and saw the plight of the Wilmington Citizens. They looked on-line and saw our cruisers and said, "Hey, that looks like a really neat car." So the company chairman reached out to me the day after Glenn Beck and said, "Hey, we would like to reproduce your car." It took a little bit of time to get all of the paperwork signed and then as far as production, it took a little while. So, we got all of these delivered to us the second week of January. I got my first shipment and then a couple of weeks later I got the rest of them, so that is why you are getting yours tonight. They will retail for about \$5 through Toys R Us, Meijer's, and a handful of the distributors. You can buy them on-line through various vendors as well. Pretty nice. We are Hot Pursuit Series 9, and if you look on the back of it, it tells the other five police departments that are in the series with it.

Mayor Riley: Thank you, Duane. That is really pretty cool. I love Hot Wheels. Only five Police Departments in the nation are having their cars reproduced by Green Light, as I understand it.

Assistant Chief Weyand: This year.

Mayor Riley: The City of Wilmington is one of them and that is something of an honor and I appreciate it.

Assistant Chief Weyand: Everything on here is pretty much to scale. We had to take a lot of scale pictures. The color is Pb8, which is the color code for the Dodge Charger for the 2008. It's pretty much spot-on as the car is. That is what took a little bit of time. I had to approve the final draft and so the color wasn't there. Then they had yellow in the light bar and we don't have yellow in our light bar, so we had to work through a few things. It's spot-on now.

[General comments of appreciation]

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

Auditor – Auditor David Hollingsworth had no report.

Finance Committee – Chairperson Bob Mead: Mr. President, we have a number of items this evening. The first item on the list is going to be three readings on an ordinance making supplemental appropriations. Those of you who have a packet have a list of five different supplemental appropriations on the list. One of the council members would like to speak to one of those line items – the first one.

Councilman Jaehnig: Thank you, Councilman Mead. I appreciate that. In the review of this and having a discussion with the Law Director afterwards, the supplemental of funds from the General Fund to the Law Director's unemployment line item for this sum of money is not necessarily needed. Because of a job code change in this department, he has plenty of funds in his salary line item to do a transfer instead of a supplemental from

the General Fund. So, I would ask council's approval to amend this particular ordinance with the removal of line A from there. I will come back at the end of the Finance portion and put forth legislation to actually do a transfer instead of a supplemental. That way, we can keep these funds in the General Fund and work towards controlling our budget as we promised.

A motion was made by Jaehnig and seconded by McKay to amend the ordinance Making Supplemental Appropriations to remove item A from the ordinance.

Motion passed.

Ordinance amended.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Making Supplemental Appropriations, as amended.

President of Council asked for discussion.

Seeing none, President of Council called for vote.

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; Siebenaller, absent; 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; Siebenaller absent; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5012 passed as read.

Councilman Mead: The next item on the list is three readings on an ordinance making supplemental appropriations. These are negative appropriations. The council members know what that is...the money is going the other direction.

[Councilman Siebenaller joined the meeting]

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Making Supplemental Appropriations.

President Kirchner: Let the record reflect that Councilman Siebenaller joined the meeting at approximately 7:45 p.m.

President of Council asked for discussion.

Seeing none, President of Council called for vote.

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; Siebenaller, 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; Siebenaller yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5013 passed as read.

Councilman Mead: The next item is three readings on a resolution authorizing payment of expenses incurred in prior fiscal year.

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

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; Siebenaller, 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; Siebenaller, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2273 passed as read.

Councilman Mead: The next item is going to be the second and third readings on an ordinance making miscellaneous transfers. You will find in your packet quite a list of them. I certainly am not going to read them all.

A motion was made by Mead and seconded by McKay to suspend the rules and give the second and third reading on the ordinance Making Miscellaneous Transfers.

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

Motion passed.

President of Council declared Ord. No. 5014 passed as read.

Councilman Mead: That is all I have, this evening.

Councilman Jaehnig: Before we pass through Finance, in order to correct the amendment that we did earlier and given that we do still have an unemployment payment that we do need to make tomorrow, I would move that we move on an ordinance making a miscellaneous transfer, specifically from account 110.181.5111, which is the Director of Law salaries to Account number 110.181.5128, which is the Bureau of Employment Services, the sum of \$12,610.00.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Making Miscellaneous Transfers.

President of Council asked for discussion.

Seeing none, President of Council called for vote.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Jaehnig 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; Siebenaller, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5015 passed as read.

Councilman Jaehnig: I appreciate council's patience in correcting this and their indulgence in letting me do so. Thank you.

Water Committee – Chairperson Mike Wallace: Mr. President, we have two items for this evening. Both are carried over from the last meeting where we had the first reading of each item. The first item I would like to move on is the second and third readings on a resolution to give our mayor the opportunity to advertise for the bid of chemicals. I would like to move forward on this for the Water Department. Is there any discussion on this?

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2274 passed as read.

Councilman Wallace: Also, Mr. President, we have some lime sludge which we need to get hauled out of there. We did have the first reading at the last meeting.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5016 passed as read.

Streets Committee – Chairperson McKay had no report.

Solid Waste/Recycling Committee: Chairperson Don Wells had no report.

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

Judiciary Committee: Chairperson Rob Jaehnig: We have one item on the agenda tonight, Mr. President. I was in a meeting earlier this week with the CDC on this particular ordinance. With the state budget cuts and such, the CHIP funds that are going to be available this year have been cut drastically. Instead of cutting the amount of funds that are available for grant, they are going to cut the number of grants that are available. Traditionally, there are about 95 applications for these funds and they fund somewhere between 75 and 85 of them. This year, they probably will only be able to fund about between 50 and 60. Thankfully, Amy Schocken and Whitaker Wright with the CDC are moving ahead quickly on filing with this. At our next council meeting will be a public hearing to discuss these funds further. These are the funds that are used in housing improvements, emergency rent actions and things of that nature that Community Action uses, the Housing Authority uses, the Homeless Shelter, Habitat for Humanity...these types of funds. Tonight we are going to go ahead and do the first reading in preparation for the public hearing at our next meeting.

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on the resolution Authorizing the Submittal of an Application for the FY 2012 Community Housing Important Program Grant and Declaring an Emergency.

Motion passed.

Director of Law read the resolution by title only.

Jaehnig requested that the second and third readings be on the agenda for the next meeting.

Safety Committee- Chairperson Don Wells had no report.

Downtown Revitalization Committee - Convener Mark McKay had no report.

Parks and Recreation Committee - Convener Rob Jaehnig: We have nothing on the agenda tonight, Mr. President. Just for public knowledge, the Parks Board is meeting weekly currently, so every Monday night at 6 p.m., the Parks Board is currently meeting as they move forward with the different decisions and the reformulating of the parks and how they are going to move forward in 2012. If that is an area of interest of yours, I highly encourage that you come out.

Councilman McKay: Where?

Councilman Jaehnig: In the community room downstairs in the city building. 6:00. That is open to the public, so please come and join us. That is all I have, Mr. President.

Service Director- Service Director Larry Reinsmith had no report.

President Kirchner: Larry, can I ask...I know last time we talked about commercial property and whether or not code applies, with Gary here, could we perhaps give some clarification as to whether or not commercial property owners are governed by Wilmington's code?

Service Director Reinsmith: Well, yes.

President Kirchner: Thank you very much.

Service Director Reinsmith: I went looking at that ordinance. So, it has been changed, so it does cover some aspects. I immediately sent a letter to that shopping center. I gave them 15 days to rectify the situation. I haven't heard anything back from them yet. I looked today and I didn't see any repairs made yet. I did send that letter out. But there are different issues when it comes to building and certain things about the structure that normally fall under the state code. It talked about, I think, sidewalks around the premises, the exterior safety and parking lots. So, I fired off a letter to him.

President Kirchner: Thank you, Mr. Service Director. Mr. Safety Director?

Safety Director – Safety Director Burton: No report, Mr. President. Just a comment if I may. I have been working with the Police Department and the Fire Department for almost a month now. They do an outstanding job at what they do every day. When you see them out on the streets, thank them and tell them that you appreciate the job that they're doing. They are doing a tough job and they are doing it very well. It's just a comment. It means a lot to them when you see them and you thank them.

President Kirchner: I completely agree and thank you for the report. We're blessed with what they do every day.

Reports:

A motion was made by Wells and seconded by Mead to approve the Hotel Lodging Tax Report and the Auditor-Treasurer Report – January 2011, as received.

Motion passed.

Reports accepted as received.

Councilman Jaehnig: Mr. President, just one item. In regards to the Hotel Lodging. The Baymont Inn would still owe us some taxes because they did not shut down until this year.

President Kirchner: I am not familiar with when they shut down.

Mayor Riley: I think it was last year, actually, that they shut down. I would have to double check that.

Councilman Jaehnig: It just seems to me that they are probably 4th quarter taxes that haven't been paid there.

Mayor Riley: I would have to check with the County Auditor to be sure, but I do believe...

Treasurer Paul Fear: Councilman Jaehnig is correct. We are still trying to find out if they are in receivership or foreclosure. We have gotten some information towards both in the discussion we have had with the county people. So, as soon as that gets resolved, we'll go to whatever litigation we have. I guess there is some due, but we don't know how we are going to deal with it yet.

President Kirchner opened the meeting up to the general public and/or members of council to address council while in session.

Paul Hunter: I just want to thank Larry for the prompt action on the parking lot issue, and the mayor as well.

President Kirchner: Thank you, Paul. Anybody else?

Councilman Wells: Because I read in the Wilmington News Journal about Lenna Mae Gara being one of the outstanding women of Clinton County this year, that she was very instrumental in starting our recycling program, I would like to thank her for her leadership and I would like to encourage the citizens of Wilmington to please recycle. It's the right thing to do. We would like to increase our numbers. I would encourage the citizens to get a bin and please recycle. Thank you.

Councilman Wallace: Do they register those numbers to the houses?

Councilman Jaehnig: That is what we were told.

Councilman Wells: Yes.

Councilman Wallace: Because I had one blown in over there and I have an extra one. That means someone doesn't have one.

[Discussion of recycling program]

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