

ORDINANCE NO. \_\_\_\_\_

MAKING SUPPLEMENTAL APPROPRIATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,  
STATE OF OHIO:

Section 1. That in addition to the sums heretofore appropriated,  
certain sums be and the same hereby are, appropriated as follows:

- a. From the General Fund to 110.120.5265 "Property Taxes"  
the sum of \$3,300.00
- b. From the Municipal Court Community Service Fund to  
273.150.5321 "Supplies" the sum of \$20,000.00
- c. From the Police Fund to 510.221.5338 "Equipment, Parts  
and Supplies" the sum of \$2,160.00

Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary to the immediate preservation of the public health, safety  
and welfare, and accordingly, shall be in full force and effect immediately  
upon its passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING PAYMENT OF EXPENSES INCURRED IN PRIOR FISCAL YEAR

WHEREAS, expenses in excess of Three Thousand Dollars (\$3,000.00) for certain services and/or contracts were incurred in FY 2010(“’10 Expenses”) and appropriations were made for said ’10 Expenses in FY 2010 and

WHEREAS, billing statements and/or requests for payment said ’10 Expenses have been received after the close of FY 2010 and

WHEREAS, payment of said ’10 Expenses must now be made from current fiscal year appropriations; and

WHEREAS, both at the time the contract for the ’10 Expenses was made or the purchase order issued, the amount of the order or contract was lawfully appropriated for the purpose of the order or contract and that the appropriation remains unencumbered and that the resources to pay the obligation when it came due were on hand or in the process of collection to the credit of an appropriate fund; and

WHEREAS, pursuant to R.C. 5705.41 (D)(1), Council must specifically authorize payment of the ’10 Expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That payment of the ’10 Expenses set forth below is hereby authorized.

291.110.5269	Convention & Visitors Bureau	\$14,397.87
110.120.5235	Consultant Services	\$ 4,014.57
125.110.5411	Business Dev. Expenses	\$13,450.00

Section 2. That this resolution is hereby declared to be an emergency measure necessary to the preservation of the community’s health, safety, and welfare, such emergency arising out of the necessity to pay such expenses in a timely manner shall be in full force and effect immediately upon its passage.

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING THE ADVERTISING FOR BIDS AND PURCHASE OF CHEMICALS  
FOR THE WATER DEPARTMENT AND DECLARING AN EMERGENCY, AS  
AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF  
OHIO:

Section 1. That the Director of Public Service be, and he hereby is, authorized to advertise to contract for the purchase of chemicals for use by the Water Department for water treatment in accordance with specifications to be promulgated therefore and within the appropriations therefore, the total cost to exceed the sum of \$25,000.

Section 2. That the Director of Public Service is hereby authorized to contract for the purchase of said chemicals with the lowest and best bidder thereof after advertisement for such bids for not less than two consecutive weeks in the Wilmington News Journal, a newspaper of general circulation within the City.

Section 3. That this Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

APPROVING ACCESS AND WATER SERVICE TO A PROPERTY  
OUTSIDE OF THE CITY AND DECLARING AN EMERGENCY

WHEREAS, William McCoy has submitted an application to the City of Wilmington Water Department for an additional 1" water tap for a residential property located at 1612 State Route 730, Wilmington, Ohio, which said property is outside the corporation limits of the City of Wilmington, Ohio; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF  
THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That one 1" tap to the nearest City water line servicing the above-referenced property is hereby approved.

Section 2. That any meter installed on this line shall be dedicated to the City upon inspection and approval by the City Director of Public Service.

Section 3. That this Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

**Resolution# \_\_\_\_\_**

ADOPTING PRELIMINARY CONSENT LEGISLATION FOR RESURFACING PORTIONS OF S.R. 73 IN THE CITY OF WILMINGTON FROM THE NORTHERN CORPORATION LIMIT (SLM 7.96) TO THE INTERSECTION WITH US22/SR3 (SLM 8.47) AND ALSO FROM THE INTERSECTION WITH US22/3 (SLM 11.91) TO THE SOUTHERN CORPORATION LIMIT (SLM 12.20) AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Public Transportation in cooperation with the City of Wilmington (hereinafter referred to as the Local Public Agency (LPA)), has identified a need for road rehabilitation in the City of Wilmington and desires to complete the following described roadway improvement project, to wit:

RESURFACING OF PORTIONS OF S.R. 73 IN THE CITY OF WILMINGTON FROM THE NORTHERN CORPORATION LIMIT (SLM 7.96) TO THE INTERSECTION WITH US22/SR3 (SLM 8.47) AND ALSO FROM THE INTERSECTION WITH US22/3 (SLM 11.91) TO THE SOUTHERN CORPORATION LIMIT (SLM 12.20).

and

WHEREAS, the Ohio Department of Transportation desires to work with the City to accomplish said project and hereby requires Preliminary Consent Legislation in order to commence the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON:

**SECTION I – Project Description**

The resurfacing of portions of SR 73 in the City of Wilmington from the northern corporation limit (SLM 7.96) to the intersection with US 22/SR3 (SLM 8.47) and also from the intersection with US 22/3 (SLM 11.91) to the southern corporation limit (SLM 12.20). **PID #84361, CLI-73-6.24.**

**SECTION II – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

**SECTION III – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

CONSENT

**SECTION IV – Utilities and Right-of-Way Statement**

No additional Right-of-Way or Utility relocation is required for this project.

**SECTION V – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the State/LPA:

- (1) Provide adequate maintenance for the Project in accordance with all applicable state and federal laws, including, but not limited to, Title 23, U.S.C., Section 116;
- (2) Provide ample financial provisions, as necessary, for the maintenance of the Project;
- (3) Maintain the right-of-way, keeping it free of obstructions; and
- (4) Hold said right-of-way inviolate for public highway purposes.

**SECTION VI – Authority to Sign**

The \_\_\_\_\_Mayor\_\_\_\_\_ of said City of Wilmington is hereby empowered on behalf of the City of Wilmington to enter into contracts with the Director of Transportation necessary to complete the above described project.

**SECTION V – EMERGENCY RESOLUTION**

This Resolution No. \_\_\_\_\_ is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety and, in addition, to meet the March 18, 2011 deadline for return of said Consent legislation. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION \_\_\_\_\_

EXPRESSING SUPPORT FOR IMPLEMENTING A BIO-PREFERRED PURCHASING  
POLICY FOR THE CITY OF WILMINGTON, OHIO

WHEREAS, the City of Wilmington believes it is important to incorporate products into daily municipal operations that protect the environment, reduce our reliance on foreign oil, promote jobs and assist Ohio's farmers, and

WHEREAS, bio-based products are composed, in whole or in significant part, of biological products or renewable domestic agricultural or forestry materials, and

WHEREAS, many bio-based products of equal or higher quality are available and could replace petroleum or chemical-based products we currently use for an equivalent price, and

WHEREAS, the incorporation of such products is consistent with our community's interest in becoming more green, and

WHEREAS, the Ohio General Assembly recently passed SB131 establishing a bio-preferred purchasing procedure for the State of Ohio, and

WHEREAS, implementing a bio-preferred purchasing policy consistent with state law is in the best interest of the citizens of Wilmington, now therefore;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, OHIO,  
THAT:

SECTION 1. That we encourage the Mayor, other elected officials and our city department heads, purchasing agents and/or staff to use their best efforts to identify bio-based products that can be incorporated effectively and economically into the city's daily operations.

SECTION 2. That reasonable efforts will be made to make the City of Wilmington a greener government through the incorporation of policies, programs and products that protect the environment, reduce our reliance on foreign oil, and eliminate unnecessary waste.

SECTION 3. This Resolution shall have full force and effect from the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor





**AGREEMENT FOR INDIGENT DEFENSE SERVICES  
IN THE CLINTON COUNTY MUNICIPAL COURT, WILMINGTON, OH  
FOR 2011 AND 2012**

This Agreement is entered into by and between the Clinton County Board of Commissioners and the Clinton County Public Defender Commission, (hereinafter collectively referred to as the "County"), with an address of 46 S. South Street, Wilmington, Ohio 45177, and the City of Wilmington, Ohio, with a mailing address of 69 N. South Street, Wilmington, Ohio 45177 (hereinafter referred to as the "City").

WHEREAS, the City recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and,

WHEREAS, the County has adopted a program whereby the a Public Defender Commission has been formed and has appointed a Public Defender and if there is a conflict, independent conflict counsel attorneys will be appointed; and,

WHEREAS, the County pursuant to Ohio Revised Code §120.14 and §120.16 may enter into a contract with a municipal corporation whereby the County provides legal representation to indigent adults charged with a violation of an ordinance of a municipal corporation for which the penalty or possible adjudication includes the potential loss of liberty and under which the municipal corporation shall pay the County for these services; and,

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the County Maximum Fee Schedule for Appointed Counsel, in order for the County to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.18, §120.33 and §120.35, and pay the City its appropriate share if such has not already been calculated into the formula to determine compensation; and

WHEREAS, this Agreement has been authorized by the City by Res. /Ord. # \_\_\_\_\_, passed by the Wilmington City Council on \_\_\_\_\_, and by Resolution # \_\_\_\_\_, passed by the Board of Commissioners of Clinton County on \_\_\_\_\_.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

**1. REPRESENTATION**

- 1.1 The County, on behalf of the City, agrees to provide legal representation in Municipal Court on or after the commencement date and during the term of this agreement in cases where the defendant is indigent and charged with the commission of an offense or act which is a violation of a City ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
- 1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender's Commission and the State Public Defender, pursuant to Ohio Revised Code §120.03 and Ohio Administrative Code §120-1-03.
- 1.3 A major purpose of this agreement is to enable the County and City to obtain partial reimbursement of their costs to have the County Public Defender or appointed counsel in conflict situations, provide legal representation in Clinton County Municipal Court for indigent adults charged with any violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this agreement should be resolved in favor of obtaining this result.

- 1.4 The County agrees to have "conflict attorneys" under contract and available to represent indigent clients pursuant to this agreement in cases where there exists a conflict with the Clinton County Public Defenders Office. The County agrees that, in the event of a conflict, the public Defender shall contact a conflict attorney and provide him or her with notice of the case and hearings, and state the reason for conflict. As set forth by section 2.1 below, the County shall be responsible for payment for services rendered by conflict attorneys under this agreement.

## **2. COMPENSATION**

- 2.1 City agrees to pay the County sum of \$23,557 (twenty-three thousand, five hundred and fifty-seven thousand dollars) for 2011 and \$24,000 for 2012 to provide for the representation of indigent defendants appearing before the Clinton County Municipal Court during the term of this contract whether for both public defender and conflict counsel. Payment shall be made in in two equal installments, the first on or before March 1 and the second on or before October 1. The Public Defender's office shall send an invoice for said installment at least two weeks prior to the due date.
- 2.2 The above compensation, whether by contractual amount or a fee schedule, shall not exceed the fee schedule in effect and adopted by the Clinton County Commissioners pursuant to ORC 120.33.
- 2.3 The above compensation does not include costs for expert witnesses or transcripts. The City agrees to reimburse the County for any such Court approved expenses, less any reimbursement received from the State Public Defenders office for the same. The Court's "Professional Fees" line item will be used to pay such fees and the Court will request additional funds be approved, as needed, first by the Finance Committee of City Council and then by City Council.

## **3. DURATION OF CONTRACT and TERMINATION**

- 3.1 The term of this agreement shall be for two years, January 1, 2011 to December 31, 2012. This contract may be renewed for additional one year terms upon proper resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions are to be sent to the Ohio Public Defender, 250 East Broad St., Suite 1400, Columbus, Ohio 43215.
- 3.2 If County or City shall fail to fulfill in a reasonable, timely and proper manner its obligations under this agreement or if either party shall substantially violate any of the covenants, agreements or stipulations of this agreement, then the aggrieved party shall hereupon have the right to terminate this agreement by giving written notice to the other party of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this agreement by the other party.
- 3.3 Written notice shall be considered furnished when it is sent by Certified Mail; return receipt requested or is hand delivered.
- 3.4 This agreement is automatically canceled, without requirement of notice, if any payment required by Section 2.1 of this agreement is not made within 10 business days of the date on which it is due.

## **4. TERMS OF AGREEMENT**

- 4.1 Indigency and client eligibility for representation under this agreement shall be determined in conformity with the standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.

- 4.2 The requests for reimbursements of expenses must be received by the State Public Defender in a timely manner; the Clinton County Municipal Court Clerk shall promptly notify the County of the Municipal ordinance cases expenses completed and pending in any month.
- 4.3 There shall be no discrimination against any employee who is employed in the work covered by this agreement or against any application for such employment on account of the person's race, color, religion, sex, sexual orientation or gender preference, age, handicap, national origin, military or veteran status. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The County shall insert a similar provision in any subcontract for services covered by this agreement.
- 4.4 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

## 5. MODIFICATION

- 5.1 This contract may not be amended orally.
- 5.2. This contract may be amended only by written addendum, signed and executed by the parties named herein, or their successors.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

\_\_\_\_\_  
City/Village Date

\_\_\_\_\_  
County PD Commissioner Date

\_\_\_\_\_  
County Commissioner Date

\_\_\_\_\_  
Clinton County Public Defender Date

Approved by:

\_\_\_\_\_  
Timothy Young Date  
Ohio Public Defender

ORDINANCE NO. \_\_\_\_\_

AMENDING CODIFIED ORDINANCE §§103.03 ESTABLISHING THE BOUNDARY OF WARD 2 IN THE CITY OF WILMINGTON AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Wilmington desires to clarify the boundaries of Ward 2 after the annexation of land to the City of Wilmington, to wit: 453.474 acres, more or less, on the east side of the City of Wilmington, represented and identified in the parcel map attached hereto and made a part hereof as "Exhibit A;" and

WHEREAS, the Director of the Board of Elections has requested such clarification from the City of Wilmington, and

WHEREAS, the Council of the City of Wilmington has considered the recommendation of the Director of the Board of Elections and of the Judiciary Committee for setting the boundary of Ward 2 to include the acreage set forth in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That Section 103.03, Codified Ordinances, be amended to read as follows: That Ward 2 shall contain all the portion of the City lying and being within the following boundaries: beginning at the intersection of the northern corporation limit and the centerline of Prairie Road; thence in the southwesterly direction with the northerly corporation line crossing U.S. Route 22 /State Route 3 to the intersection with original State Route 73 and the southern corporation limit; thence southerly with said centerline to a point in the southern corporation limit; thence with meanders of the southern corporation limit and passing across State Route 134 and Cuba Road to the intersection of the centerline of U.S. Route 68; thence northerly with said centerline and becoming S. South Street to the intersection of E. Locust Street; thence easterly with said centerline to the intersection of the centerline of N. Lincoln Street; thence northerly with said centerline to the intersection of Birdsall Street; thence easterly with said centerline to the intersection of said Prairie Road; thence northeasterly with said centerline to the place of beginning.

Section 2. That the Mayor's office is directed to file a certified copy of this Ordinance with the Board of Elections on the effective date or as soon as possible thereafter.

Section 3. That any ordinance or part of an ordinance setting or establishing ward boundaries that is in conflict herewith is hereby repealed.

Section 4. This Ordinance is an emergency measure and shall have full force and effect immediately upon passage due to need to establish the Ward 2 boundary sufficiently in advance of the May 3, 2011 primary election to allow the Board of Elections to determine eligible voters for said Ward and prepare materials accordingly.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

APPOINTING COUNCIL MEMBER MIKE WALLACE AS THE CITY'S  
REPRESENTATIVE TO THE CLINTON COUNTY CONVENTION AND  
VISITOR'S BUREAU

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
WILMINGTON, STATE OF OHIO:

Section 1. That Council Member Mike Wallace be, and hereby is,  
appointed by Council to serve as the City's representative to the Clinton  
County Convention and Visitor's Bureau for a term beginning on the  
effective date of this resolution and ending on December 31, 2013, or for so  
long as he is able to serve:

Section 2. That the appointment and term provided in Sections 1  
hereof shall commence as specified above.

Section 3: That this resolution shall be effective from the earliest  
period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF WILMINGTON AND GREENLIGHT COLLECTIBLES TO LICENSE THE USE OF THE IMAGE OF THE CITY OF WILMINGTON POLICE VEHICLES FOR REPRODUCTION IN DIE CAST FORM OF 1:64 SCALE MODEL AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington has been approached by a company, GreenLight Collectibles of Indianapolis, Indiana, to create 1:64 scale replicas of its police vehicles; and

WHEREAS, the Safety Committee of Council has reviewed a License agreement for the licensing of the use of the image of the city's police vehicles for said purpose and approves of the same;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Mayor be, and he hereby is, authorized and directed on behalf of the City to enter into a license agreement with GreenLight Collectibles, which is attached hereto and made a part hereof as "Exhibit A."

Section 2. That this Resolution shall be effective immediately upon passage as an emergency measure necessary for implementation of said agreement in that the exclusive nature of the license is for one year and the company would like to begin production as soon as possible to bring the vehicle replicas to market.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor