

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 UDAG Fund to 242.710.5577 "The Cutting Room" the sum of \$3,829.00
- b. From the UDAG Fund to 242.710.5578 "E&S Cornerstone LLC" the sum of \$30,000.00
- c. From the Street Lighting Fund to 220.330.5236 "Direct Deductions" the sum of \$100.00
- d. From the Police Fund to 510.211.5236 "Direct Deductions" the sum of \$600.00
- e. From the Fire Fund to 520.221.5236 "Direct Deductions" the sum of \$1,000.00
- f. From the EMS Fund to 530.212.5236 "Direct Deductions" the sum of \$400.00
- g. From the Recreation Fund to 540.430.5236 "Direct Deductions" the sum of \$700.00
- h. From the Sewer Fund to 635.360.5236 "Direct Deductions" the sum of \$75.00
- i. From the Police Fund to 510.210.5274 "Vehicle Maintenance" the sum of \$724.16

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

ORDINANCE NO. _____

MAKING MISCELLANEOUS TRANSFERS

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

Section 1. That from the sum heretofore appropriated, the following sums be, and the same hereby are, transferred for current expenses and other expenditures as follows:

- a. From Account 110.210.5321 "Communications Office Supplies (Dispatch)" to Account 110.210.5410 "Dispatch Incidentals" the Sum of \$1,000.00
- b. From Account 287.150.5414 "Operating Expenses" to 287.150.5415 "Program Expenses" the sum of \$1,187.00
- c. From Account 210.330.5960 "Transfer to Bond Retirement" to 210.330.5275 "Street Improvements" the sum of \$187,550.78
- d. From Account 210.330.5277 "Prairie Ave. Match" to 210.330.5275 "Street Improvements" the sum of \$31,513.00
- e. From Account 110.210.5321 "Communications Salaries" to 110.210.5342 "Uniforms" the sum of \$1,600.00.
- f. From Account 110.120.5122 "Workers Comp" to 110.120.5284 "Workers Comp" the sum of \$35.00

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.

635.360.5545	Nelson Ave. Change Orders	\$ 90,473.47
635.360.5546	2010 CORF Remediation	\$ 13,848.01

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. _____

APPROVING LIENS PURSUANT TO CHAPTERS §§729.49, 743.04 OF THE OHIO REVISED CODE AND CHAPTERS 923.09, 929.03 AND 1729.03 OF THE CODIFIED ORDINANCES OF THE CITY OF WILMINGTON (Utility delinquencies and mowing/debris removal fees)

WHEREAS, the City Utility Billing department has advised Council that several accounts are delinquent and are considered non-collectable by the Utility Billing supervisor and that said delinquent charges may be submitted to the County Auditor as liens pursuant to Ohio Revised Code §§729.49, 743.04 and Chapters 923.09 and 929.03 of the Codified Ordinances of the City of Wilmington, and

WHEREAS, the City has many properties within its borders whereby the City Code Enforcement Official found litter, garbage, debris, tall grass and noxious weeds on the properties in violation of law and, after due notice to the owner, lessee or occupant of said properties found that removal of said litter, garbage, debris, tall grass and noxious weeds was necessary for the health, safety and welfare of the citizens of the City of Wilmington; and

WHEREAS, City Ordinance Ch. 1729.03 permits the City to submit expenses incurred by the city for the removal of said litter, garbage, debris and tall grass and weeds to the County Auditor for the payment of costs of abating the above-stated conditions upon said properties as a lien.

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

Section 1. That the amounts listed in "Exhibit A" attached hereto and made a part hereof by reference are delinquent accounts for utility services provided by the City of Wilmington and should be submitted to the County Auditor to be made liens upon the real property served;

Section 2. That the amounts listed in "Exhibit B" attached hereto and made a part hereof by reference were made to the benefited properties listed and should be submitted to the County Auditor. "Exhibit B" does not include amounts for delinquent accounts for properties where the fee simple ownership changed for fair market since the last special assessment/liens deadline (Sept. 15, 2010 to date), although the City reserves the right in the future to submit such costs as liens in accordance with law;

Section 3. That the amounts levied be paid in equal semi-annual installments due and payable at the same time as general real estate taxes on said lands; provided, however, that the owner of any property with a lien may pay such lien in cash at any time after the passage of this Resolution.

Section 4. That this Resolution shall be in 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

ORDINANCE NO. _____

AMENDING THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE
TO PROVIDE FOR A "NO PARKING" ZONE ON THE EAST SIDE OF GRANT
STREET

WHEREAS, for the health, safety and welfare of the citizens of the City of Wilmington, the Council finds that the Traffic Control Map and the Traffic Control File should be amended.

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

Section 1. That the traffic Control Map and the Traffic Control File for the City of Wilmington be, and the same hereby are, amended to provide as follows:

To prohibit parking on the east side of Grant Street from a point 130 feet to the north of the intersection of Douglas and Grant henceforth in a northerly direction for a distance of 120 feet.

Section 2. That the Traffic Control Map and the Traffic Control File for the City of Wilmington be, and the same hereby are, ratified and republished except as herein expressly amended.

Section 3. That this ordinance 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

ORDINANCE NO. _____

AMENDING THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE
TO PROVIDE FOR A "NO PARKING" ZONE ON THE EAST SIDE OF JOSEPHINE
STREET

WHEREAS, for the health, safety and welfare of the citizens of the City of Wilmington, the Council finds that the Traffic Control Map and the Traffic Control File should be amended.

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

Section 1. That the traffic Control Map and the Traffic Control File for the City of Wilmington be, and the same hereby are, amended to provide as follows:

To prohibit parking on the east side of Josephine Street from the intersection of Wayne and Josephine henceforth in a northerly direction on the east side of Josephine Street to the alley (approximately 180 feet).

Section 2. That the Traffic Control Map and the Traffic Control File for the City of Wilmington be, and the same hereby are, ratified and republished except as herein expressly amended.

Section 3. That this ordinance 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

City of Wilmington

ORDINANCE NO. _____

AUTHORIZING AN AMENDMENT TO THE ENTERPRISE ZONE AGREEMENT BY AND BETWEEN THE CITY OF WILMINGTON, OHIO AND THE BOARD OF COMMISSIONERS OF CLINTON COUNTY, OHIO (Amending boundaries of Enterprise Zone 391)

WHEREAS, the Ohio Enterprise Zone Act ("the Act"), under Ohio Revised Code Section 5709.61 through 5709.69 has authorized counties, with the consent and agreement of affected municipalities and townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zones in exchange for specified local tax incentives granted by the county; and

WHEREAS, the Ohio Department of Development has heretofore certified the City of Wilmington ("City") as an Enterprise Zone, subsequently numbered Enterprise Zone No. 39, in a zone that includes the all the territory of the City of Wilmington as of October 2, 2003 (see Ordinance 4360 for the boundaries of the original Enterprise Zone), and

WHEREAS, the City finds it necessary to amend the current Enterprise Zone area to include land that has been annexed to the City of Wilmington since the Enterprise Zone was certified, and

WHEREAS, it is necessary for the Council to formally request from the County Commissioners of Clinton County, Ohio, ("The Board") the inclusion of the additional territory within the City of Wilmington in the Enterprise Zone and to include such an ordinance in a petition to the Director of the Department of Development of the State of Ohio to certify the area described as such a zone; and

WHEREAS, the Council finds and determines that amending the zone to include annexed property pursuant to the Ohio Revised Code Section 5709.632 will promote the economic welfare of the residents of the City by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of said municipality; and

WHEREAS, the Council understands that the Board of County Commissioners is required by law to administer all Enterprise Zones and that the Board's duly authorized Enterprise Zone administrator will also administer agreements within the annexed territory including 1) the establishment and operation of the Tax Incentive Review Council as specified in Ohio Revised Code Section 5709.85, 2) to ensuring that the Enterprise Zone Agreements contain the information required in Ohio Revised Code Section 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and/or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted toward real and/or personal property, 3) forwarding copies of all Enterprise Zone Incentive Agreements to both the Ohio Department of Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the Ohio Revised Code, 4) notifying affected school boards of proposed projects a minimum of fourteen days prior to formal local legislative consideration and to include comments by the school boards as part of the review process as required under Ohio Revised Code Section 5709.83, 5) maintaining a centralized record of all aspects of the Zone, including copies of the agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's annual review of each agreement, and 6) submitting a comprehensive annual zone activities report on or before March 31 of each year pursuant to Section 5709.68; and.

WHEREAS, the Council is requesting designation of an Enterprise Zone which includes all of the municipal corporation and meets population, boundary and distress requirements to be certified as an enterprise zone under Section 5709.63;

WHEREAS, the Council requests from the Board of County Commissioners the power and duty

to negotiate Enterprise Zone Agreements in its Enterprise Zone as permitted in Ohio Revised Code Section 5709.63 and that the Council agrees that the Mayor of the City of Wilmington, or designee, shall negotiate agreements and assist the Board of County Commissioners in the administration of the Enterprise Zone and that Council will approve all agreements before submitting agreements to the Board of county Commissioners for approval; and

WHEREAS, the Council is requesting inclusion of territory annexed to the City of Wilmington since 2005, which would expand the boundaries of the Enterprise Zone to include all parcels currently within the corporation limits of the City of Wilmington, as shown on the map attached hereto and incorporated herein by reference as **Exhibit A**.

NOW, THEREFORE BE IT ORDAINED, that the Council of the City of Wilmington hereby authorizes the Board of Commissioners of Clinton County, Ohio to include all property inside he corporation limits of the City of Wilmington as shown on **Exhibit A** in the City's Enterprise Zone (Enterprise Zone 391); and

BE IT FURTHER ORDAINED that the Clerk of the Board of County Commissioners of Clinton County, Ohio is hereby authorized to include this resolution in the petition to the Director of the Department of the State of Ohio to Amend the Enterprise Zone Agreement between the City of Wilmington, Ohio and the Board of Commissioners, Clinton County, Ohio.

This Ordinance shall have full force and effect from the earliest period allowed by law.`

Attest:

President of Council

Date:

Mayor

Date:

Clerk

Date:

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF _____ No. _____ AS TAKEN FROM THE RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COUNCIL.

Laura A. Curliss, Clerk of Council
City of Wilmington

Resolution No. _____

AUTHORIZING THE SUBMITTAL OF A PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A GRANT THROUGH THE U.S. DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER FEDERAL TRANSIT LAW, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT PROPOSAL ACCEPTANCE

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the Proposer, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an proposal for assistance under 49 USC Section 5311 the Proposer give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Proposer that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

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

Section 1. That the Mayor is authorized to execute and submit (a) proposal(s) on behalf of the City of Wilmington with the Ohio Department of Transportation to aid in the financing of capital and operating assistance projects pursuant to 49 U.S.C. Section 5311 and the Ohio Public Transit Grant Program.

Section 2. That the Mayor is authorized to execute and file with such proposal and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

Section 3. That the Mayor is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the proposal for the program of projects submitted to Federal Transportation Administration.

Section 4. That the Mayor is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part

of the project.

Section 5. That the Mayor is authorized to execute grant agreements on behalf of the City of Wilmington with the Ohio Department of Transportation for aid in the financing of operating and capital assistance projects.

Section 6. That this resolution shall take 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

CERTIFICATION

The undersigned duly qualified and acting Clerk of Council of the City of Wilmington certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Council of the City of Wilmington held on _____, 2011.

If proposer has an official seal, impress here.

Laura A. Curliss

Clerk of Council

Date

Resolution No. _____

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE 2012 ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM

WHEREAS, the State of Ohio through its FY 2012 program has made available funds to assist public transportation systems in Ohio, and

WHEREAS, the City of Wilmington is the transit operator for the City and recipient of funds for the same from the Ohio Department of Transportation; and

WHEREAS, the City will abide by and observe all state and federal rules regarding this program.

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

Section 1. That the Mayor is authorized to execute a contract for the SFY 2012 Ohio Elderly and Disabled Transit Fare Assistance Program on behalf of the City of Wilmington.

Section 2. That the Director of the City Transportation Department is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with this application.

Section 3. This rRsolution 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
CERTIFICATION

The undersigned duly qualified and acting Clerk of Council of the City of Wilmington certifies that the foregoing is a true and correct copy of a

resolution, adopted at a legally convened meeting of the Council of the City of
Wilmington held on _____, 2011.

If proposer has an official seal, impress here.

Laura A. Curliss

Clerk of Council

Date