

Wilmington City Council met special session on Wednesday, December 30, 2009, with President Pro Tem Sandy Mongold presiding.

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

Assistant Chief Weyand was also present.

President of Council – President Pro Tem Sandy Mongold: The first item on the agenda, I have a notice from the Ohio Division of Liquor Control that 863 Southridge, Inc. dba Quality Food Market 7 at 863 S. South Street has applied for a new liquor license and from current time until January 19, that will be on record on the Mayor's office if anybody would like to respond to that. That is the Marathon Station there, I believe, at the corner of Randolph Street. Swearing in of Elected officials – and we have the Honorable Judge Chad Carey with us today.

Chad Carey: Good morning.

President Pro Tem Mongold: We'll start with the treasurer.

Judge Chad Carey swore in Treasurer Geoffrey Phillips.

President Pro Tem Mongold: Would all of the newly elected council members please step forward.

Judge Chad Carey swore in Rob Jaehnig Councilmember, First Ward; Mark McKay, Councilmember, At Large; Sandra Mongold, Councilmember, At Large; Cindy Peterson, Councilmember, Second Ward; Bob Mead, Councilmember, At Large; Mike Wallace, Councilmember, First Ward; and Don Wells, Councilmember, Third Ward

Judge Chad Carey: Congratulations.

[Applause]

Judge Chad Carey: President, if I may, I can now be excused.

President Pro Tem Sandy Mongold: You may be excused. Thank you very much. Congratulations to all of the newly elected officials. Since I am serving in the role of President Pro Tem, I am going to ask Councilman McKay to assume the duties of Finance Chair today. Finance Committee?

Finance Committee – Councilman McKay: Thank you, Madame President Pro Tem. Our first agenda item is an ordinance making supplemental appropriations. This is the ordinance in which we do negative appropriations to make things come out the way they need to at the end of the year. Are there any questions?

A motion was made by McKay and seconded by Popp 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 McKay and seconded by Popp to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 4892 passed as read.

Councilman McKay: The second item is also an ordinance for supplemental appropriations – a year-end thing. Are there any questions about those?

A motion was made by McKay and seconded by Popp 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 McKay and seconded by Popp to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 4893 passed as read.

Councilman McKay: The third item is our annual budget ordinance. There have been some changes since we amended it the last time. We need to vote to amend once again, if there are no questions.

Scott Kirchner: Could you clarify the amendments that you are doing?

Councilman McKay: I cannot, but I am sure others can.

Deputy Auditor Vance: There was \$1500 that we received that came back through the CHIP program. If you recall the housing program we had a couple of years ago, when one of the houses sells before the allotted time, we get that money back. It originally was deposited directly into the general fund when it came in. Then, after the fact, our counsel for that program told us several months later that that it then needed to have its own fund, which you, council, then set up. The other part of it – the trigger didn't get pulled where the money then got switched from the general fund to that special fund, so it was after we gave the first two readings of the budget for next year that we made that discovery. We transferred that \$1500 from the general fund directly to this special fund that needs to be set up for the use of that money exclusively, and then I added it to the budget for next year for that \$1500. That is the essence of the change - \$1500 was added to the CHIP fund, which is fund 251.

Councilman McKay: Are there any further questions?

A motion was made by McKay and seconded by Peterson to amend the budget ordinance.

Motion passed.

Budget ordinance amended.

Councilman McKay: Then, we are ready for the final reading on the budget. Is further discussion requested?

Scott Kirchner: Has council worked with the mayor to come up with a plan to address the deficit that is created by this budget compared to revenues projected for 2010 or address any of the suggestions brought before it on the 17<sup>th</sup>?

Councilman McKay: Our Finance Chair could answer that question.

President Pro Tem Mongold: We have had several discussions and we are moving forward with the budget. It is a budget – it can all change.

Councilwoman Peterson: I was also going to comment...a lot of the suggestions you had on the 17<sup>th</sup> were actually in front of a task force that examined the salary structure – I think it was about two years ago.

President Pro Tem Mongold: That is correct.

Councilwoman Peterson: I believe Danny Mongold, Geoffrey Phillips, Fred Ertel, several were on that task force.

President Pro Tem Mongold: Yes, and we met for probably a year and did come to a conclusion – that was accomplished.

Scott Kirchner: It is my understanding that nothing changed in the plan. Was that the result of that year-long task force?

President Pro Tem Mongold: That is correct.

Councilwoman Peterson: Was anything in that task force confidential that we can't share?

President Pro Tem Mongold: No.

Councilwoman Peterson: You're welcome to address anybody who was on that task force and maybe they can bring you up to speed on that result.

Scott Kirchner: I realize at the time you weren't facing massive revenue losses, so you probably weren't looking at combining/reducing administrative positions or the need to save \$2 million, but at this point, to me, those suggestions are new again, for reasons not related just to that pay plan.

Councilwoman Peterson: Actually, at the time, we were trying to be proactive and examine various possible reductions. You always have to assume...you always have to look at your money and how you are spending it, so I think that was [inaudible for transcription] approach.

President Pro Tem Mongold: David, you were in those meetings, correct? You were not in those meetings. Mary Kay, Danny, do you want to address it?

Dan Mongold: Basically, Fred Ertel was the chairperson of that committee. We did do a lot of research. We had a lot of research from other cities like ours and larger cities and smaller cities. Geoffrey Phillips was in on that also, in the meetings. We went through several meetings to come up with anything that is relative to how other cities operate and so on and so on. It was agreed upon that it would stay as it is at that point.

Scott Kirchner: Have we gone back to those cities as they face the same current crises as we do to see if they have perhaps changed.

President Pro Tem Mongold: If I recall right (because this has been, please understand, this has probably been a year since we concluded these talks), most of the employees – please interrupt me if I am wrong – most of the employees are already capped out on the pay scale and only get raises when we have cost of living raises...am I correct?

Dan Mongold: There is quite a large percentage. I would have to research that. I am not prepared to give numbers today about that. We have...

David Hollingsworth: I apologize. I was part of that, but we were looking at the pay scale. We didn't look at specific positions. That is something...

President Pro Tem Mongold: We talked a long time on that and all came to the conclusion that we would not change that pay scale.

Dan Mongold: A lot of that stuff, as I remember now, as Mary Kay just told me, we were in executive session when we discussed a lot of that stuff in those meetings.

Councilman Jaehnig: I think with the current budget and council, as we move into 2010, are distinctly aware, as is every employee of the city, that we have to make sure that we are being responsible to move forward in finding that balance between being responsible with regard to our expenditures and yet putting the city in the best position to move

forward and capitalize on any potential growth opportunities or reinvestment opportunities. I think Mike said it best – it something we are going to have to watch extremely closely in 2010. I think the budget, while it does put us in a deficit, is setting us up for the best possible opportunity to take advantage of moving forward and growing and moving the city in the right direction. My personal opinion is that the employees are well aware of it, the council is well aware of it, the administration is well aware of it, and it will be reviewed almost monthly.

Councilman McKay: Well, our finance committee will review items monthly, briefly, and then we will have a major quarterly finance committee review. We've made that determination. I think I can speak for all members of council, I hope I can, the members are pretty much not happy to vote for this budget as it stands, but it is the best that we have at this point, all things considered.

Councilman Wallace: I think we had everybody with the city's interest at best working to get it reduced. I think the key is that we have 100% of the city working to get to where we all know we've got to be. I think that is important. Yes, we are in deficit, but I think every department head and every employee knows that we are there and we are trying to get this thing [inaudible for transcription].

Councilwoman Mongold: Mr. Hunter.

Paul Hunter: From what I understand, we have a hiring freeze. Are we going to be attrited, or people who retire, resign or quit, we're not going to fill those. Is that what is going to happen? Did all the city employees pass up their pay raise and will continue to do so at least during the time of our difficulties?

Councilwoman Mongold: Mr. Mayor, would you like to address that?

Mayor Raizk: We are reviewing every position as it comes up. There are certain positions that may not be...if someone were to retire, have to be replaced. They are not necessarily general fund employees, but there are other employees as well that we're talking about here that because of certain certifications or whatever they would have to be replaced to still operate things like water and sewer and so forth. So, we review every position as it comes up. Is it necessary and can we get by. We have several unfilled positions right now in the police department of the complement that was approved by council, we are actually short a couple of officers that we have not replaced. Secondly, we are in negotiations with two of our unions. I believe you do have one before you today that will be resolved – our third union, and then we are moving forward with the no increase and the no step increase that as we have said. We will meet with our other employees in January once those negotiations hopefully are completed.

Councilman Wells: May I ask a question? When we have no money to pay these salaries, how shall we pay them?

Mayor Raizk: We will have to address that as we come.

Paul Hunter: Carry over.

Scott Kirchner: How many years of carryover do we have at this rate?

Councilman McKay: We're going to review this budget in three months. There potentially could be changes at that point, but we can't predict, obviously, 12 months out or two years out.

David Hollingsworth: As a general rule of thumb, we have looked to keep about 25% of the budget in reserve. That has kind of been our target. We probably have twice that right now with the carryover that we will have going into 2010. We basically have the year's worth of reserve, I guess, if you want to look at it that way, to use during the year. But, I am sure that everybody is going to be looking at it as the year goes along and those decisions as far as cuts that have to be made will have to be made. If the money is not there; it's not there. I think it is pretty simple.

Scott Kirchner: Has council considered a public oversight board as suggested on the 17<sup>th</sup>, a task force of the public to help review those positions and the hiring.

Councilman McKay: All things are on the table, but that has not been specifically decided.

Councilwoman Mongold: Wouldn't that be administrative – that would fall under the mayor.

Councilman McKay: Good questions.

A motion was made by McKay and seconded by Popp to give the third reading only on the amended ordinance Making Appropriations for Current Expenses and Other Expenditures of the City of Wilmington, Ohio, During the Fiscal Year ending December 31, 2010.

Wells voted nay. All others voted yea.

Motion passed

Director of Law read ordinance by title only.

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

Wells voted nay. All other voted yea.

Motion passed.

President Pro Tem of Council declared Ord. No. 4894 passed as read.

President Ertel: Judiciary Committee?

Judiciary Committee: Chairwoman Leilani Popp: Yes, Madame President Pro Tem. We have the second and third reading today on the resolution that concerns our CHIP program for the next period of 2010-2012. Any questions?

A motion was made by Popp and seconded by McKay to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Sign the Housing Revolving Loan Fund Administration Agreement with the State of Ohio Department of Development for the Period 2010-2012 and Declaring an Emergency, by title only.

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President Pro Tem of Council declared Res. No. 2183 passed as read.

President Pro Tem Mongold: Leilani, once again, I wanted to tell you again how much I have enjoyed working with you on city council and I wish you the best in the future.

Councilwoman Popp: Thank you. I have enjoyed working with each member of council and wish council all the best in the years to come.

Councilman McKay: We hope you won't be a stranger.

President Pro Tem Mongold: Safety Committee?

Safety Committee- Chairperson Rob Jaehnig: We have two items today, Mrs. President Pro Tem. First, I am very pleased to put a resolution forth allowing the mayor to enter into a labor agreement with the detectives and sergeants. I think it was an exceptional job in creativity and open-mindedness between both parties to move forward on this agreement, which allows us to continue with the no-raise annual or step increases. I think both parties were very open-minded and worked very hard to come to a very agreeable outcome to this. So, we are going to move forward. I would like to move forward with three readings tonight so that we can have this contract in place before the end of the year so that we can start off on a fresh note for the new year.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Labor Agreement with the Sergeants and Chief Detective Unit of the FOP Union and Declaring an Emergency.

Motion passed

Law Director read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Law Director read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President Pro Tem of Council declared Res. No. 2184 passed as read.

Councilman Jaehnig: Thank you. Again, I say, the type of cooperation before both parties should be very commended and hopefully it leads to continued [inaudible for transcription] agreements between the city and its employees. The second item that we have today, in continued cooperation with communities around us, is a resolution for the mayor to enter into a dispatching agreement with Blanchester-Marion Township. This is a two-year agreement. This is just a re-up of the current agreement that we have been operating under, with no changes in regards to the next two years.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into a Dispatching Agreement with the Blanchester-Marion Township Joint Fire District and Declaring an Emergency.

Motion passed

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Peterson, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President Pro Tem of Council declared Res. No. 2185 passed as read.

Councilman Jaehnig: That is all we have today.

President Pro Tem Mongold: Are there any other questions or comments?

Councilman McKay: Other than best wishes for the New Year for the City of Wilmington.

President Pro Tem Mongold: Happy New Year.

A motion was made by McKay and seconded by Jaehnig to adjourn.

Motion passed.

Council adjourned.

ATTEST:

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President of Council

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Clerk