

Wilmington City Council met on Thursday, May 17, 2012, with President Scott Kirchner presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, present; Siebenaller, present; McKay, present.

Assistant Chief Duane Weyand was also present.

President of Council asked cell phones to be set to silent mode.

Council gave the Pledge of Allegiance to the flag.

President: President Kirchner: It's good to see a healthy crowd out tonight. We welcome you all to City Council.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last special meeting, April 26, as received.

Motion passed.

Minutes approved as received.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, May 3, as received.

Motion passed.

Minutes approved as received.

President Kirchner: That will complete my portion of the agenda. Mr. Mayor?

Mayor – Mayor Riley: I have the honor of presenting a proclamation tonight. This is for the American Cancer Society, and specifically for the Relay for Life. Relay for Life, I don't know how many of you have been out at a Relay event in the past. How many years have we been doing this now for?

Jennifer Walls: 16.

Mayor Riley: This is our 16th year. I have had the pleasure several times to be the host MC for the Relay for Life event. I have had the privilege of addressing the folks as a cancer survivor myself. I have had the ultimate pleasure of walking the survivor's lap with my mother. So, it is a very important thing that these folks are doing – raising money. It is the signature event for the American Cancer Society – raising money for them. And as I told people several years ago when I MC'd and hosted it, somewhere there is in development a Petri dish or a test tube in which the cure for cancer will be found. That Petri dish or test tube probably costs about a buck and a half or two bucks. We need to make sure that that is paid for. We need to make sure that that is done. My hat goes off to the American Cancer Society for all of the work that they've done. In recognition of that, I have a proclamation.

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, the National Cancer Institute estimated that 569,490 deaths were expected to occur in 2010 in the United States. The American Cancer Society estimated that 64,450 new cases of invasive cancer would be diagnosed in 2010 in the State of Ohio. It is estimated that one in three people will be diagnosed with cancer in their lifetime; and

WHEREAS, the American Cancer Society is a voluntary community-based health organization in the State of Ohio dedicated to eliminating cancer as a major health problem; and

WHEREAS, the Paint the Town Purple Campaign is an endeavor to heighten the awareness of our citizens to the importance of joining the American Cancer Society as they strive to promote awareness about cancer at the Annual Relay for Life of Clinton County; and

WHEREAS, the American Cancer Society recognizes that cancer does not discriminate and that it knows no boundaries; and

WHEREAS, the Relay for Life represents an opportunity to celebrate the lives of those who have battled cancer, remember loved ones lost to the disease, and fight back. The American Cancer Society believes that Relay for Life is a moving celebration of cancer survivorship, with all of our citizens joining together to help find a cure!

NOW, THEREFORE, I, Randy Riley, Mayor of the City of Wilmington, Ohio, do hereby proclaim the 21st of May, as

PAINT THE TOWN PURPLE DAY

and urge all citizens to join the opportunity to show our friends, family and loved ones who are battling this illness that we share a common concern to eliminate cancer in our lifetime.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THIS SEAL TO BE AFFIXED

Mayor Riley: And I can't tell you two how much I appreciate it. You've both been a part of this for a long time. Besides giving you the proclamation, I want tell you God bless you for what you are doing.

[Applause]

Mayor Riley: Do you have a few words?

Valerie Smart: We would just like you to wear purple on the 21st and just come out on June 2 and 3 and support this. This is a life-long battle that we have all had to face. We want to someday be able to find a cure and put an end to this nasty disease.

[Applause]

Mayor Riley: I have one other item. A few weeks ago we were talking about establishing committees to look at the further financial health of Wilmington – looking at long-term and short-term goals, talking about whether we are going to sell assets, levies and taxes. It came to me that we needed to have someone who did not necessarily have a big dog in the fight – someone who could, in an objective way, not as an elected official, but representing the citizens, look at some of our needs. In discussing this, I met with Dr. Steven Stovall, who is a PhD professor out of Wilmington College. And Professor Stovall has agreed with Dr. Andrea Mitchell, another PhD professor at Wilmington College, to be facilitators of a Blue Ribbon Panel to assess and advise the mayor and city council on city budget issues. The panel that I have spoken to, and they have all very enthusiastically agreed to participate on this panel, are ladies and gentlemen that have been elected to City Council, elected positions many times in the past. In fact, they total 182 years of service to the City of Wilmington. These are people that can hit the ground running. They know what fund accounting is all about. They know about the ebb and flow of money in the city, and they have all enthusiastically agreed to be part of this, as well as Brian Shidaker, our Director of Law, for assistance and advice on any of the legal issues that may come to them. The panelists are (and this is in alphabetical order): Nick Babb, who served 22 years with the city as Auditor, Councilman and also Safety Director for the City; Fred Ertel, former Council President who served eight years with the City; Nick Eveland, Mayor, who served 16 years with the city; David Hockaday, a very long-time councilman, who served 27 years with the City. The only elected official that I have asked to serve is David Hollingsworth, our current Auditor, who has been

with the city for 24 years, and that is because of his expertise in the finances and the flow of cash. I have also gotten with Robert Holmes, former Safety and Service Director, who was with the City for 22 years; Sandy Mongold, who was a long-time council woman, 21 years with the city, and also chaired finance for a long time of that; David Raizk, who served the longest, he served 30 years with the City of Wilmington as Safety Director, President of Council, and Mayor; and also Kevin Snarr, former councilman and President of Council. Kevin has served 12 years. The deliverables that I have asked them to consider is that following a review of the current City financial status, make recommendations to the Mayor and the City Council on the most appropriate plan of action to assure the city's near-term and long-term financial health. The target date for presentation of their report will be July 15, 2012. So, it is not a long-term commitment. Dr. Stovall is with us today. Steve, I very much appreciate your willingness to participate in this process. I look forward to hearing from you and Dr. Mitchell on the outcome of the discussions with the panel. They will convene... basically, as soon as Dr. Stovall convenes the meeting. He will be the facilitator and will be bringing this panel together and will be conducting the meetings. That will be up to Dr. Stovall as to when they will first convene. We do expect a report sometime mid-summer, July 15 or thereabouts, depending on their meeting schedule. I thank you for that. If anybody has any questions, I would be glad to answer them.

Councilman McKay: I don't have a question, but I have comment. I applaud the Mayor for assembling that committee. I'm very familiar with Dr. Stovall and his work. I know you're going to get a good product. Thank you for taking that forward step for the city.

Mayor Riley: Thank you. I have nothing else.

President Kirchner: All right. We'll get into committee reports at this point.

Asset, Acquisition and Use –Chairperson Bob Mead had no report.

Auditor –Auditor David Hollingsworth: I don't have anything. I do have reports up through the end of April that I mentioned at the last council meeting. If anyone on council would like a copy, I think I have 18 made. But we can make others if there are more people that would want them. It is the state of the General Fund; it goes all the way back to 2006 up through April 30 of the current year. That's all I have.

Finance Committee – Chairperson Bob Mead: Mr. President, we have one item this evening: three readings on an ordinance making supplemental appropriations. This is using money from the Sewer Fund, which is an enterprise fund, to pay partially for a management plan for the flood control, in case anything happens to our flood control system in Wilmington. That is Fisher control system, the dams, and the arteries that have been put in to move the water away from the residences to somewhere else. I will be asking for three readings.

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

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Mead and seconded by Jaehnig 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: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Ord. No. 5026 passed as read.

Councilman Mead: That is all I have, Mr. President.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – Chairperson Mark McKay: Mr. President, we have a couple of updates on items. When we last met with the Streets Committee, we had agreed to move one item forward, and that is the abandonment of an alley that was part of Fulton Street at one time, around the Walnut Street area. That is going to be going in front of Planning Committee on Tuesday.

Service Director Reinsmith: At 7 o'clock.

Councilman McKay: So, they will be considering that. The second item we were discussing was limiting parking on Gallup Street. There were some issues that were brought forward when we had public discussion at our last council meeting. I had asked the Law Director to look into one item that a resident brought up, and it looks like that is going to work out for us. So, we will be needing another Streets Committee meeting to bring that forward to the next council meeting. That is all I have.

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

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

Judiciary Committee: Chairperson Loren Stuckert: Mr. President, we have a couple of items on Judiciary. The first item I would like to do a little explaining about. We did the first reading at the last council on an amendment to one of the chapters in our signage ordinance. We were prepared tonight to move for the second and third readings on that ordinance. However, we did get some correspondence from some of our zoning officials indicating that they had some language concerns and some other concerns. Of course, we have a number of people working to bring these ordinances up to date, not the least of which is Chris Schock and Steve Brown. So, we were able to connect all of these people into the same loop, and they did agree that some of this language needed to be changed. I am going to go ahead and move for a second reading, but I would like for this first one to die for the lack of second, so we can take it back to committee and officially change the language and bring it back to council.

A motion was made by Stuckert to give the second and third reading only on the ordinance Amending Chapter 1167.04 to the Codified Ordinances of the City of Wilmington Wall and Projecting Signs.

Councilman Jaehnig: Point of order, he was asking for the second and third reading waiver instead of the ordinance itself?

President Kirchner: I believe he moved for the second reading.

Councilman Jaehnig: No, he said he moved for the second and third reading.

Councilman Stuckert: I didn't say second and third. I changed that. I moved for the second reading.

President Kirchner asked for a second.

Seeing none, the motion died for lack of second.

President Kirchner: Is that adequate to remove it from the agenda.

Law Director Brian Shidaker: I would say postponed indefinitely. You can present a first reading on a new one at the next council meeting.

Councilman Stuckert: Our second item has to do with a CDBG grant that we had a presentation from Whitaker Wright on this.

A motion was made by Stuckert and seconded by Siebenaller to give the first reading only on the resolution Authorizing the Submittal of an Application for the FY 2012 Small Cities Community Development Block Grant (CDBG) Formula Program, and Declaring an Emergency.

President of Council asked for discussion.

Seeing none, President of Council called for a vote.

Motion passed.

Director of Law read the resolution by title only.

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

Councilman Stuckert: Mr. President, I have nothing else.

Safety Committee- Chairperson Don Wells had no report.

Downtown Revitalization Committee - Convener Mark McKay: I don't have any legislation, but I just want to point out that the progress on the facades on our buildings that are in the lower half of this block on the east side are just coming out wonderfully. I think we should all be proud of some of the things that we have accomplished with our CDBG money with that façade restoration. Secondly, this weekend, actually Saturday, there is a really neat event downtown called Artsy Spaces in Lofty Places. What that really means is Saturday afternoon, folks that have focused tickets, which some are still available...

Councilman Jaehnig: Actually, they are now all sold out.

Councilman McKay: Completely, for the tour only?

Unknown female speaker: There are still tour-only tickets that are available at the South Street Gallery for \$10.

Councilman McKay: What this is you are going to get to tour eleven upper stories of several of the buildings downtown, many of which I haven't even been in. It is going to be a really neat way to get to see some of these lofts, some of which have been restored, some of which have not and are available for sale. So, once again, you can still purchase tickets for the tour only at the John Schum's art gallery just down the alley. Several people are going to enjoy the tour and a dinner at the General Denver that evening. The time is 3-6 p.m. Just another great event in our wonderful downtown. That is all I have, Mr. President.

Parks and Recreation Committee - Convener Rob Jaehnig: While we have no legislation tonight, I do want to give an update from the parks. This weekend, we will have 30-plus teams from the Ohio Fast Pitch Spring Blast Tournament at J.W. Denver Williams Park. We expect approximately a thousand participants or spectators for this particular event. They want to make sure that everybody was aware of the event. As you run into the athletes downtown, please welcome them to our community and thank them for coming. Each time we have a sizeable event like this, we do plan on trying to communicate so that the businesses and the restaurants and the community is aware of what is going on. Also, we would like to give out a special thanks to Quali-Tee, the Hampton Inn, Holiday Inn Express, and Kroger for being extremely helpful in getting some of these events nicely taken care of and really reaching out to the participants. Also, if you haven't been out to the park or onto the trails recently, since our last council meeting, and for council here I have some photos, the Parks did complete the new ramp onto the trails off of Nelson so that you do not have to cross Nelson. Our Service Director talked about that at the last meeting. Beautiful entrance and lots of parking available. Also, if you notice, they have taken down a large part of the fencing along Rombach Avenue, which really kind of opened up the park and really made it look beautiful. The fencing that is left along Rombach is mainly there for safety purposes with the lacrosse teams and the soccer that goes on, again to keep balls out of the roadway. And then, my favorite is the removal of the fence around the memorial area. This is an area that is a great tribute. If you've never had a chance to get close and take a good look at it, it really is a beautiful

area. But, the fence has been removed. It is now accessible, it has been cleaned up and really is a nice addition to the park. So, I applaud the Park on their quick actions and moving ahead. The Park did ask me, they are very, very grateful for the number of volunteers they have been getting. This coming Sunday at 1:00, they will be spreading mulch at what I call the Imagination Station, or the wooden playground, and could use many volunteers to spread that mulch. Also, for the memorial area, they are looking for a business or a person that might be willing to donate a nice picnic table for that area. That is it for the parks, so thank you.

Councilman Stuckert: Mr. President, if I may second the sentiments expressed by Councilman Jaehnig. My memories of the Denver Park go all the way back to the late 1940's as a very small child. It has always been one of those places that when you round the bend and see the park, just something happens inside of you. You're so glad to see it. There has never been a time when I wasn't proud of that park or glad to see it. But, I have to tell you, that within the past few days and weeks, when you pass that curve and go around there, it's got a special brightness to it. I certainly want to add my voice to congratulate Lori Williams and the Park Board for the work that they are doing out there. They are actually making a huge contribution to our financial problems in the city by not taking money out of the General Fund. They are working off of their levy money. I just think they're doing a great job. I, too, would like to urge the citizens to be ready to respond and go out there and have some fun and work around and make that just the spectacular place that it has always been. Just make it shine up and look really great. It looks wonderful now, and I'm hopeful that we can maintain that, and I'm confident we can. I just want to throw that in.

President Kirchner: Thank you, Councilman Stuckert. I would also note that I'm very happy to see the connection to the walking trail and the old Textron facility – the safety that we have provided our citizens by not having to cross Nelson Avenue is critical, so I think it's excellent work.

Service Director- Service Director Larry Reinsmith: I just want to talk a little bit about demolition of homes. We have one big one that we've got on our list right now that sits over here on Locust Street. We had condemned that a couple of years ago and we've got that funded through CDBG plan year '11. We were going to have to fight that guy. I met that guy last week, and we talked, and so he has volunteered to let us tear that one down now. So, that is going to make it a lot easier. As we talked, he had two more that he wants us to tear down also. But, that is kind of a segue into another meeting I went to at the commissioner's office. This is kind of like the Neighborhood Stabilization Program, but this program is a little different. I think it is kind of being sponsored by Mike Dewine. I think it is penalty money from these banks that have to do with foreclosures, so there are millions of dollars involved in this. They split up the money to all the different 88 counties, and it was based on the number of foreclosures in those counties. Clinton County's share is \$288,000. But you take somewhere like Cuyahoga County; their share was \$11,000,000. I think Hamilton County was around \$12,000,000. It's tough all over the state. Dayton, Montgomery County, they were nine or ten million dollars also. As we talked to the commissioners, \$288,000 is not a lot of money. We figure it's probably going to cost \$8000 to do a house because we have to do asbestos testing and some environmental stuff that goes with it. We are going to create a list and I think we're probably going to try to go with volunteer housing first rather than try to go with court battles. I know we've got probably eight or nine houses still that we need to tear down right now in Wilmington. So, we are going to be working diligently on that. On a second note, I attended Ohio Public Works last night and it's a new budget year. I don't see how we can do anything in streets. We don't have the money to match any projects, but there are a few things that we need to do at the water plant and a new filter system. I think that we really need to talk about that and possibly move forward and maybe apply for one of the grants there. We need to have those applications in in August, so we probably need to talk about that, Mike.

Paul Hunter: Larry, if I may, the guy that has this house, he doesn't have any money?

Service Director Reinsmith: In fact, I hate to talk a lot about him, but...

Paul Hunter: What I'm getting at is are we going to get our money back?

Service Director Reinsmith: No.

Paul Hunter: Is he going to own the land that is under that demolition.

Service Director Reinsmith: Sort of. He financed three houses and he has a debt of \$150,000. We are going to tear all those houses down, and he still has a debt of \$150,000 that he has to pay. He is not relieved of that from the bank. The bank doesn't want the property, though, and they said tear them down because they don't want the liability either.

Paul Hunter: We should take the land, should we not?

Service Director Reinsmith: Well, I know yesterday when we met with the commissioners, they were talking about it. Maybe if you had to go through and enforce it all, but if you had a volunteer, you probably would not go back and try to get that money back. I mean, how bad do you want to kick the guy, Paul?

Paul Hunter: But, when you do things, when people have money or if he is paying his taxes or is bound to pay taxes, that can be added to his tax bill, can it now. So, we eventually get something out of it. Force it into bankruptcy.

Service Director Reinsmith: That's fun.

Paul Hunter: I'm not after this guy, it's just the principle of it.

Service Director Reinsmith: I mean, he was an investor. He tried to do it right. He worked at DHL. DHL moved and he lost his job. He had no money to continue on with the projects. He told me, "I don't have any money."

Paul Hunter: Well, let me put it a different way, then. Say he had money and was well-to-do, what would that process be? You would order him to tear it down.

Service Director Reinsmith: Yeah, and he would probably do it himself.

Mayor Riley: Larry, you might also mention. We've gotten several calls in the last couple of weeks specifically about yards that have not been mowed at all. Of course, anybody that owns a lawnmower knows this has been a horrible season for mowing lawns. We are in the process now of trying to get caught up. It's a long process to get through. But, you really don't want the City of Wilmington to mow your lawn.

Service Director Reinsmith: We're not real good at it and we are expensive.

Mayor Riley: We do a bad job at a very high price.

[Laughter]

Service Director Reinsmith: There's a process you do and there's public notice and then you have to stake it and put a sign out and then five days later. I know we sent a list down to the Service Garage the other day that had 12 properties on it and they started mowing on them. There's one on Rombach Avenue and it's there every year. I mean, for years and years. I don't know who owns that house and why it's there, but it ought to be one of those we tear down.

President Kirchner: On the mowing note, I had received a citizen concern on a property at the end of Cross Creek. It's W&K Development, but the issue is that apparently it was not mowed last year and it has not been mowed this year, and there are number of reptiles that are now showing up along Nunn Avenue. If I'm not mistaken, didn't W&K file...?

Service Director Reinsmith: Well, part of it. Wiseman still owns it.

President Kirchner: I stopped down and took a look. It's a foot and a half tall.

Service Director Reinsmith: You know, we had the same problem in Timber Glen and Country Oaks. They didn't mow last year and we had some problems with them. We got a call from the bank this year. We sent them a letter and said, "We're going to start mowing." They've hired someone to mow. They probably don't know about that property, but they will probably put it on the list to mow it, because they volunteered. They have started mowing.

[Discussion about mowing]

Assistant Chief Duane Weyand: There are a number of places. I mean, it's an all-day job just trying to track down these people. We had a gentleman that came to council two council sessions ago complaining about the junk cars on Southridge Avenue. I mean, I physically had to drive to the person's house over towards Dayton and beat on the door and physically serve him because he wouldn't sign receipts. I had meeting in that direction and made a point to go out of my way. Tracking these people down and getting the notices served to them is just really about one person's job almost to try to get this stuff done. But, we're working through it and we're trying to get them caught up and stay on top of them.

Service Director Reinsmith: I think he had junk cars too at that place.

Assistant Chief Duane Weyand: Yeah, it's the same thing over there, so I said, "Hey, we might as well clean this one up too." For what it's worth.

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

Reports:

A motion was made by Wells and seconded by Mead to approve the Hotel Lodging Tax Report and the Auditor-Treasurer Report – April 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.

President Kirchner: We do have on the books a time limit. I'm not a fan of enforcing the time limit, but I also don't want to see someone in this audience that is here to speak have to wait until midnight to try to get their turn. For that reason, I would ask for a show of hands of how many people think they may want to speak so we know whether or not to try and monitor the time. If we do not have that many, I have no problem not implementing any kind of time requirement. It looks like we have four people. I would offer two things to start the session. One thing, I want to thank publicly the Law Director for his work on closing down the illegal junkyard out on Columbus. I think that was excellent work. I also want to say welcome to our new Police Chief Duane Weyand. We are very excited to have great leadership at the helm of the Police Department. It's great to have you here, Duane.

[Applause]

Councilman McKay: President, Mayor, Members of Council, Citizens, and everybody at home who might be watching this.

Paul Hunter: Could you speak up, you're a little soft spoken.

[Laughter]

Councilman McKay: After our last council meeting, actually our budget session, I was frustrated. I have an idea that most of you folks are here as a result of some of the things that happened at that session. I wrote a speech. I tore it up. I rewrote it and I tore that one

up too. Then I wrote this one, and I'm not going to deliver it all, because there are some things that are contentious. What I really want to say to my fellow members of council and to our citizens, we need not be contentious. I think our citizens are here because they have a concern that we may not be getting our work done the way we should. We need to figure out a way for all of us to work together. I think our mayor made a good opening tonight with the committee. What I was concerned about last week had to do with committee assignments. That's a small thing in the big scheme of things. But, I was told by someone that that was just politics. I am going to do just an excerpt from my speech. You may all recall that I delivered a speech prior to being elected last year. A big part of that speech was I hate politics. You may remember that. Well, I continue to hate politics, but I love Wilmington. I'll continue to serve its citizens to the best of my ability on this council. I think the type of contentiousness that we have been exposed to sends a really bad message to our citizens that vote for us. Even more importantly to those that might seek to relocate their businesses here. That we only care about making a point or winning a debate, which is just politics, rather than trying to work together to make this a better city for all – a city that is working together to achieve its goals. Our citizens deserve better. If you agree with me, it is my hope that the citizens of Wilmington would contact the councilmen that they voted for and make sure that they understand your concern that this council needs to forget politics and move forward in a positive direction to solve our current fiscal problems and help to save the Wilmington we all know and love. Thank you.

[Applause]

Councilman Jaehnig: I'm usually a pretty loud person, so if you can't hear me, please don't be shy about throwing something at me. It's been a long week, and I have a lot of people to thank for help me to bring my blood pressure in line. I thank Mr. McKay for his comments and believe he is right on target with it. My concern, being a councilman, my opinion is that as an elected official, our absolute number one responsibility, more than anything else, is to bring jobs to this community and do whatever we have to do to do this. Yes, we have a budgetary issue and we can debate all night long on what the proper method is to fix that. Can we find \$1.3 million in our budget? Possibly. May we have to go out and look at a tax? God forbid, but possibly. Do we have to look at the possibility of selling grandma's necklace, as Mr. Riley, our mayor, had explained to me at one time in his description of the landfill. When you're sitting at home and you're comparing your home budget...what's the difference between a city budget and a home budget. It's much more complex, without a doubt, but there really isn't. You have to do what you have to do for the family, and this community more than anything is a family. I moved here from Michigan originally. I'm not born here in Wilmington, but I feel like I might as well have been. So last week, I found myself extremely disheartened that moves that may or may not have been appropriate were done without discussion with those that were affected. That is what I was upset with. The councilmen up here, all seven, I have no doubt that they will _____ (sl bleed) just as much as I will to solve the differences and the problems that this community faces. I believe that wholeheartedly. We may have different opinions on how to do that, which is perfectly acceptable and thankfully is needed, because none of us has the answer on how to go forward. We have to be able to work together. But I believe that during what was supposed to be a work session, in which no legislation was supposed to be moved forward, action was taken to change the committees without discussion with those who were affected, without what I feel the proper respect owed to the length of service that was given to this council, to this community. I'm not looking to start a war. That's not good for our city; it's not good for attracting new jobs. The mayor and I are meeting with a potential new company next week. We don't need this splashed across the headlines: "Wilmington City Council Squabbles," "Wilmington City Council at War." It's not good for our community. Our number one job, more than anything, is to get jobs in this city. It's that simple. Thank you.

[Applause]

Molly Dullea: 81 W. Main Street, Wilmington. I own the General Denver. I was really upset when I read that article. I really was. I can't believe it, and I don't want to believe it. Many of you gentlemen ran on campaigns of open transparency and what appears to

have happened is somewhere along the line, somebody got some ideas and didn't have the common decency, courtesy and respect to speak to the people involved. This appears to be the closed politics behind-the-door thing that we all don't like, and shame on you for doing it. I respect and admire Mr. McKay and Mr. Jaehnig to absolutely no end. As a matter of fact, Mr. McKay, one of the reasons I'm in town, have a business for over eight years is because of Mark McKay who at all times, whether he is in Wilmington or in Dayton, Ohio, in a hospital is your number one advocate. I hope you remember that. When nobody else wants to do anything around town because you have to spend all your own time and it's tough to volunteer and everyone says it can't be done, the eternal optimist and I can do it and I will go to all lengths to get this done is Mr. Jaehnig. These gentlemen deserve our respect and all citizens of Wilmington deserve your respect. That is what I don't like. I don't mind what you deem the right thing to do, and I'm not here to question what you think is right, but to behave as children, to not act with dignity is reprehensible and unbecoming of a leader, and is not a leader. If you have something to say, I suggest you speak to the people involved first. And if your mother didn't teach that to you, I'm here to teach it to you. If you have a problem with someone, let's speak to them directly, and then it's fine to do what you need to do. Mr. McKay, again, you have shown me what I should be doing. I often think, "What would Mark do?" Mark would say something wonderful and kind and the right thing, which is we have to stop behaving like children and all get along. Although, I'm sure that he has some very strong feelings about the way he was treated. The citizens of Wilmington are exceedingly proud of you Mr. McKay, and Mr. Jaehnig, we are exceedingly proud of you, and I came to tell you so. We are behind you every step of the way. Thank you.

[Applause]

President Kirchner: Paul, would you like to come forward? These are tough acts to follow.

Paul Hunter: Well, this isn't an act.

[Laughter]

Paul Hunter: At the last meeting, I discussed the solid waste fee structure, how the reality didn't match the ordinance. So, I have a rhetorical question. I've learned from the law shows that I watch on TV that you don't ask a question unless you know the answer in advance. The question is, does anybody in the room know if we are charging city residents who tip at the landfill \$11.78 a yard, county residents \$17.15 a yard, compacted material city residents \$16.83, and county residents and businesses \$27.69? Those are the ordained fees that we should be charging at the landfill. The information that I have had, even recent information, indicates that those aren't being met. I'm just reminding council of that, that we are not doing that. If you want to change the fees to make something better, that's okay, but to just arbitrarily and illegally change the fees because of your personal or some opinion is not the way that we're supposed to run a city or government at all. The law is there. You either follow it or change it, but don't ignore it. Those that do ignore it, could be considered in violation of the ordinance. I would consider them in violation of the ordinance. So, all I can do is talk about it. You guys have to do the action. Thanks.

Councilman Wallace: I have a question. Are these fees monthly or...?

Paul Hunter: Per yard. These are people who go to the landfill and dump a truck or whatever.

Councilman Wallace: So, they are charged at the time of dumping.

Paul Hunter: Right.

President Kirchner: Paul, I would, in respect to your question, I would offer to you that council's responsibility is to set the codified ordinances by which the city is to operate. Day to day operational control is completely the mayor's purview. It is the executive branch that operates the city.

Paul Hunter: That is a given.

President Kirchner: To the council's understanding, those are the legal rates and those are the rates that are being charged. The mayor have spoken on this issue.

Paul Hunter: The rates that I just stated?

President Kirchner: It is my understanding that those rates are being charged. Council has inquired through the administration...

Paul Hunter: I have invoices from this month that state that we are charging \$16.50 for example.

President Kirchner: I understand. All I'm letting you know is your concerns have been heard, discussions have been held with the administration, and the appropriate connection between council's legislative arm and the mayor's day to day operational administration has been...

Paul Hunter: This is not a hurry-up thing. I'm not rushing to judgment. This has been a six month or seven month project now that started out behind, did not make it public and not rant and rave, but that wasn't complied and this has crossed over into the new administration. I keep hearing whether the right rates are charged or if they are not charged and nobody knows. I do know that the right rates are not being charged, at least up to this month.

President Kirchner: I will share with you that that concern has been shared by myself, Councilman Wells, Solid Waste...

Paul Hunter: Well, this wasn't directed with you or council.

President Kirchner: And to answer your concern, part of the investigation of the scale at the landfill is associated with trying to make sure that the proper amount of trash is charged the proper amount of fee.

Paul Hunter: That's a separate issue, sir. The issue I'm talking about is compliance with rule of law in the city. That's what I'm speaking of. I'm not saying if the fees are right or wrong, but the fees are part of law, and if they are not enforced then somebody is doing what with the law?

President Kirchner: I have requested the Law Director to provide the opinion to make sure that the Service Director and the Mayor understood the responsibility under the law to charge the appropriate fees at the landfill and to inform the landfill superintendent to do so... administration, and the administration has indicated that is being done. At this point, we have addressed that very issue from a council standpoint.

Paul Hunter: I have discussed also with the, as you well know, the Law Director, considering a writ of mandamus to bring this into compliance. So, it's a last resort thing that nobody wants to do. To me, it's simply charge the rates as they are know, approach council and say, "Here's what they should be," after your scale and all of that. In the interim, follow the law.

President Kirchner: And it is my understanding that is what is being done.

Service Director Reinsmith: I've been here 30 years and I don't know how long I've dealt with Paul Hunter, but for some reason, he always gets half the story and he only expresses half the story...

Paul Hunter: Don't start this character....

Service Director Reinsmith: Hey...let me talk. Okay?

President Kirchner: [bangs gavel] Gentlemen.

Service Director Reinsmith: Go ahead and leave. Last fall we met when we discussed that all of the rates weren't being charged properly. The out-of-town rates were being charged incorrectly. We called a meeting, and we had Paul Hunter there, and we had Don Wells, Chairman of the Sanitation Committee there, we had Mayor Raizk, we had Don Maher, me, and we discussed it and we said, "Well, the rates aren't right, and the ordinance itself is not easy to read and figure out." We all know that. But, we said the rates will be charged properly. So, I sent out a letter to all the haulers and we wanted to give them time, because a lot of these big haulers have contracts with a lot of these companies. We said, effective January 1, the rate will be charged properly. Now, as the letters went out and Donnie started getting correspondence back from the haulers. A lot of people decided they weren't going to pay the rate and they were going elsewhere, to the tune of about \$20,000 a month in revenue, a quarter of million dollars a year. As soon as Randy came on, I greeted him and I said, "Randy, we've got a problem, and we need to get this Waste/Sanitation Committee back together again and talk about this. I think late January we all got together again. Paul Hunter was there again. You know, we're not sneaking around and doing this. Paul was there, Scott was there, Don was there. Just about everybody was there. We discussed the discrepancies in the rates and we said, "Hey, we're losing a lot of haulers." We were all right there that night and we agreed, the committee voted, and told me to go ahead and write a letter to the haulers and said we were going to have a moratorium for six months on this current rate. Remember?

Councilman Wells: If it was legal.

Service Director Reinsmith: No. There was no "if it was legal" about it. No, you were there. You voted and said, "Do it."

Councilman Wells: If it was legal.

Service Director Reinsmith: So, I write a letter and you guys said, "That will give us time to figure out what we can do and look at scales and all of that." So here we are at the end of May. You haven't done anything on those rates. I've bid out a set of scales. But, right after I did that, Scott notified the Law Director and said I'm breaking the law, after you told me to do it. Now, that's what burns my butt. I mean, you know, why didn't you call me Scott instead of going back to the Law Director and questioning my move?

President Kirchner: About what?

Service Director Reinsmith: Well, I mean, saying I'm doing something illegal.

President Kirchner: What are you talking about, Larry?

Service Director Reinsmith: And you didn't really get an opinion from him. You said, "I got an opinion." He didn't give you an opinion.

President Kirchner: About what?

Service Director Reinsmith: About whether those rates were right or wrong and whether I could change them.

President Kirchner: Mr. Law Director, did you provide an opinion, a written opinion?

Service Director Reinsmith: In April.

Law Director Shidaker: Yes.

Service Director Reinsmith: I've got it on my desk...in April.

President Kirchner: That is correct. What we informed you of...

Service Director Reinsmith: Not in January.

President Kirchner: ...after we left the meeting on January 25, we had indicated that it was the mayor's administrative right to control what the Service Director and the Landfill Superintendent did, if it was legal for you to adjust rates as you represented it to the committee, you felt it was, that it was up to the mayor. The committee indicated that it did not wish to go forward with a 40% discount for commercial trash haulers because of the recent 21% increase that this city had placed on its citizens. And, it was only after you refused to do...

Service Director Reinsmith: No I didn't.

President Kirchner: ...what we had found out from the Law Director was supposed to be done and you demanded a written opinion, that we got the written opinion.

Service Director Reinsmith: No one told me about this opinion. I know you demanded from the Law Director every opinion in writing, and why didn't I get a copy of it? See, this is what goes on. I mean, Paul complains all of the time and he says we do this and do that. You know, I've been in this city hall for 7000 days, and Paul Hunter has never once stepped in my office. He sneaks around and he writes notes and he gives them to the News Journal and he passes them to council people, and he always wants to burn you in public. But he never wants to come in the office and talk about the problem. You know, I served with Mayor Moyer on council. I served under three different mayors, fifteen different councils, and this is the worst leadership that I've seen in all those years, Scott, out of a council president.

President Kirchner: [Inaudible for Transcription] Paul Hunter.

Service Director Reinsmith: It's so dysfunctional. You've got these people all upset.

President Kirchner: Larry, let me understand. Did you indicate that Paul Hunter was in the meeting in December?

Service Director Reinsmith: Yes.

President Kirchner: But yet you just represented that he has never stepped into office to talk about...

Service Director Reinsmith: In my office. He was in the mayor's office.

President Kirchner: If he comes into the office to talk with the administration, then isn't...

Service Director Reinsmith: No. He's never come to see me.

President Kirchner: I understand. I will say for the record that I am and have been concerned that tens of thousands and potentially hundreds of thousands dollars in appropriate fees have not been collected from commercial trash haulers to the detriment of the residents of this city. For the record, I have requested the mayor to contact the State Auditor's office multiple times to bring them in to review those records because of the concern. The written opinion was provided you.

Service Director Reinsmith: In April.

President Kirchner: And you refused to actually charge the codified rates until you got a written opinion...

Service Director Reinsmith: That's right.

President Kirchner: ...from the Law Director that you had to follow the...

Service Director Reinsmith: No. I had already sent that letter down, Scott.

President Kirchner: The facts remain.

Service Director Reinsmith: You say one thing and do another and that's no good.

President Kirchner: Folks can listen to the committee meeting where you clearly said, "I still haven't received a legal opinion telling me I have to do that."

Service Director Reinsmith: That's right.

President Kirchner: And that's when we made the request to the Law Director. We didn't think we would have to ask the administration to get a legal opinion that they had to follow the codified ordinance that is in force right now – passed legally by a council, on the books, requiring certain rates to be charged.

Mayor Riley: I have never been asked by the President of Council to contact the State Auditor for any type of an opinion or review. You've never asked me to do that.

President Kirchner: That is incorrect, Mr. Mayor.

Mayor Riley: That's a fact.

President Kirchner: I'm disappointed that that is your memory.

Mayor Riley: You've mentioned it a few times. You talked about contacting them yourself, but you've never asked me to contact the State Auditor...

President Kirchner: I directly asked you in our private meetings.

Mayor Riley. ...Never.

President Kirchner: I will share with the council chamber on the subject of committee assignments. One of the few things that the President of Council is required to do is to name committee assignments. At the request, the proposal of Councilman Jaehnig, three new committees were recommended to address issues associated with the finances of the city. Upon reviewing that proposal and realizing the request's concerns and understanding the validity of it, that timing and understanding of the issue at hand, the potential of adding tax levies or an income tax increase required a great deal of information. We did create a new committee at the behest of that request. Now, upon creating that committee, I laid out a charter associated with the work that it would need to do. In that same day as I wrote that charter and realized the amount of work, I realized that the work balance was going to be out of balance. I took a look at the committee assignments and rebalanced the committees. For anyone who would like to see what those balances are, they are up here, and I brought copies. I will tell you that prior to adding that committee, we had four councilmen who had five committees and three councilmen that had four committees. We now have seven councilmen that have five committees. That's the balance. We have no councilmen who have more than two chairs. We have no councilman who has more than two chairs, and that is part of the balance as well. I believe that I was elected to lead this council to be able to effectively execute the business of the city, and it is my thought that those committee balances are there, and it's the most effective way to serve the citizens. I will also point out that I do not assign them without the approval of council. Those committees were voted on and passed by council, which is not legislation, it is simply council committee assignment. We have a lot of work to do in this city. We have a major budget issue and we have to solve those problems. I will tell you that it is difficult when I look at tonight's proposal from the mayor on naming a Blue Ribbon Panel and know that no one on council was even consulted on this idea. I believe that the communication part of this process has to start with the leadership at the top. This council stands ready to discuss all of these items. It stands ready to hear what the mayor's plan is and to try and execute it to serve the citizens. I do not think that this committee is an appropriate committee to advise council. I believe all of you right here in this room as citizens of this city are the ones that need to be contacting your legislators and letting them know what they desire to be done. And

coming here before council, as all of you did that spoke tonight, and I applaud that. I think that input is key and critical. I think that there are seven elected representatives of the citizens of this city that have the responsibility to balance this budget to live within our means. I think that those seven people have the responsibility to figure out how to do it. They asked for an received a vote of the public to serve in these positions. I believe with this document, the mayor has named a fine committee of folks with a lot of experience, education, and ability. But I believe that this council has the responsibility to make the tough decisions, as does this mayor. I think that's what we need to do. The work balance on those committees is designed to do that. For any of you who really want to know what that balance is, it is here, and I thank you for the opportunity to let you know that.

Councilman McKay: Mr. President.

President Kirchner: Yes, Councilman McKay.

Councilman McKay: Obviously you didn't hear what I said when I spoke earlier or you didn't take it to heart, because that's about the most contentious speech, which is typical. One paragraph that I didn't read was...the problem arises when a leader ceases to become a leader and forgets that he should remain as unbiased as possible in his leadership of council. Our president has certain rights and rules that he must follow. I do not mean to imply that he has broken any of these rules or laws in his leadership role. He actually has been very aggressive and effective in his attempts to clarify certain rules of council. I believe, however, that our leader in his passion to accomplish a goal, has broken an unwritten rule in his actions of Thursday last.

[Applause]

David Hollingsworth: Can I say something? I've been kind of quiet. I was given the privilege of seeing that list of directives you've given for that committee that was assigned. I find it to be a little bizarre, to be quite honest. The information that you have requested, I don't think this whole council would be, in the years they have left in their term, would be able to compile all that information.

President Kirchner: Specifically?

David Hollingsworth: I just think people need to look at the letter to look at the information you've requested to be compiled. There is no way.

President Kirchner: I will accept that that is your opinion. They seem like specific data points to me. The amount of money generated from a police levy that currently could exist, the amount of money generated from our existing income tax, the current value of property within the city tax zone... I don't think those numbers are impossible to put together, and the understanding of that data as a baseline...and then, a recommendation for the types of taxes we could put on what they would generate. It didn't seem that impossible. It does seem like a lot of work. I agree. But that's the information that I think that this council and the citizens would need to have. If this council and administration want to go to the public and ask for more revenue, which is what I am hearing is a desire potentially...

Councilman McKay: You better say potentially.

Councilman Jaehnig: It's not a desire.

President Kirchner: We have a revenue problem is what I have consistently heard from some corners. If we are going to go to the citizens and ask them for more revenue when our town has been so devastated, I think that we need to be able to provide them an understanding of what revenue they are providing, where it goes, and what revenue we are asking for, and in what form. How it would be used. I don't think that that is unobtainable information, but I do believe that it does take an extended effort. That is why I documented what it was. I will be happy to provide that to the mayor's office and anyone in the public that would like to see the document is more than welcome to take a

look at it. By the way, it was noted as a guideline of the work that seemed to need to happen. All of them addressed ideas brought up in the mayor's town hall meeting, covered by the mayor in this council. And, to me, that was just simply getting the information that the council would need for any kind of decision like that and the public would need for any kind of support of a decision like that. I'll provide the document to anybody that wants it.

Councilman McKay: I am really saddened by your response, Mr. President.

President Kirchner: So noted, Councilman McKay.

Councilman Stuckert: I want to make a point. You hear a lot about how all of this is because the President of Council does what the law and the Ohio Revised Code calls for him to do, but he didn't talk to everybody about it. Right? Well, this right here, which is the proposal that he was handling, came at the end of a meeting that we had, and it called for three committees. It called for Bob Mead to be on the Police Levy Committee and head it up. It called for me, Loren Stuckert, to be on the Income Tax Committee, and it called for Mark McKay to be on the Selling the Landfill Committee. Now, I don't know about the other two guys, but nobody talked to me about this before it came. This happens...we operate under sunshine laws. So much of this council, we're so used to not being allowed to talk to one another all the time, this is not...what happened with the President is not that different than what happens all the time here. I think that people are getting much too excited over something. I am not going to sit here and let a young man be spoken to in this way that I know to be different. You people are reasonable people, but you need to back off and take a look here. What we have in this council right now is what we've always had. Prior to this last election, we had people with the thought that we should be tackling the \$1.3 million deficit that we kept having, which we had three of them. At that time, the numbers were two to five. At one point, the two brought in a document, an actual document, that called for ideas on how to reduce this budget and live within our means. The headline the next day said they wanted to close the parks and they wanted to shut the cab company down. That is how they were treated. Now they didn't go out and round up a bunch of people. And I don't know if social media was available then or not, but they didn't do that. They resumed their role and they just kept saying the same thing. At that time, it was five to two. Then later, I got appointed, last July, to fill an empty seat. At that time, the ratio became four to three. As we moved toward this budget for 2012, there were three people that said, "Let's look at our spending versus our revenue." We haven't had any meaningful analysis of the line items in the budget to say one way or the other what we could or couldn't do. So, I propose that we do that. That the seven of us come together and do that. That's what I propose. To compromise, because we had to have the budget pass, I said, let's just appropriate three months worth and roll our sleeves up as an elected body and go to work on this. The response was, four to three, and we got voted down. Now, I didn't hear anybody saying "This is divided government" at that time. I did not hear those words, "divided government." Well, after the election, I don't know if you've noticed, but the ratio has flipped again. Now there are four of us here who say we need to take a look at the spending side first. Now it's four to three. And, my goodness, we are divided. We're just getting ripped apart. We're contentious. We're unfair. Everything we do is just an agenda. Now we're being political. Come on folks. You know that if the word applies one way it applies the other way. I have said, and I'm going to say it one more time, I will not support going to our people whose incomes have declined. That's why our revenue is down; their income is down. Okay, you're income's down, but we've got to have our money, and we've been looking for three years now and we haven't found anyway to bring this gap together, so we need to increase your income tax. Sometimes, I think we all just run on different systems. My system won't handle that. My system spits that out and says that's not rational. And I hear talk of our property values. Our property values have declined. My property value has declined, all throughout our area. Well, here is a proposal to add a levy, which is going to be a property levy to raise the needed funds. We'll attach that to police. Well, my system won't handle that either. My property value is down and you want me to add another levy to my property. It doesn't make sense. And on the landfill, you almost got me there because I'm very big on if a city service isn't really doing the job, then you look toward the private sector to see if the private sector can do a better job. But this isn't what that's about. The landfill's being

paid already by you guys. Okay? It's designed to get a pile of money so that we can bridge our \$1.3 million gaps off into the future with that pot of money. That's what we're talking about doing. We're not going to face reality. We're just going to put it off. I have already heard from the public, by the way, I'm elected, I do hear from people, and I heard from people that say, "You know, I'm concerned about what would happen if we have a commercial landfill inside our city borders." You know, this person had visions of a Rumpke mountain out on the west side of town with haulers running up and down our brand new Nelson Avenue, constantly going into the landfill. So there are problems with that one too in the people's mind. Now maybe everybody up here thinks that selling the landfill is a good idea, but I would suggest that as council we have a responsibility to check with everybody, because I don't think that that is a majority opinion and I don't think it's necessarily a slam-dunk. That all needs to be looked into. We're all trying to do things. I just cannot stand here and have it all sound like the whole problem is the President of Council. It is not. If he's going to get talked about this way, then talk about me that way, because I voted with... I voted on that committee. Okay? I love and respect every member up here. I know everybody here has good intentions. All we're saying is, let's roll our sleeves and do the job that we have to do. You know what, I check out all kinds of places. There's all kinds of city in the same shape that we're in. Part of ours is DHL. Part of ours is because the intergovernmental funds that we usually get are being reduced, so it's a genuine problem. But that's when we all have to do things. That's Wilmington style. We all get in it together. We take care of our parks when we don't have enough money to pay an extra \$200,000. We do all kinds of things and one of the things that has been in other cities that I happen to believe, if it is presented in the right way it would be received in the right way, that is the idea about the possibility of our employees. In order to preserve all of our jobs, employees considering going, as most of the county workers do, to a 35 hour a week voluntarily, because there is no way they could be forced to do it since we have a contract. If you do those figures, if I work those figures right, it takes care of almost half of our debts. There are ways. I'm not coming in and saying that has to be it. But there are things we can do. What we want is information. Mr. Mayor, you said when you ran and we did that budget, you said, "That's just figures on paper, and those are not the figures we're going to end up with." Well, we're pretty close to six months of this year, and we haven't seen any new figures. That's all we're saying. We haven't seen any new figures. We're pushing for that. We're not trying to be mean. We're not trying to... I mean... I don't have any scores to settle. I consider myself friends with all of these people up here and everybody I know out there, I'm a friend of. But, darn it, let's get off this kick. Let's back off and cool off and let's look at this thing logically. That's my two cents worth.

[Applause]

Councilman Jaehnig: Councilman Stuckert, just in clarification, in the proposal that I brought before council, it was specifically requested by the chairman of the Finance Committee that we come prepared with brainstorming ideas and proposals to that work session. So, all I did was exactly what he asked me to do. In regards to the committees, I felt that those did not need to be full council committees and that we should include the citizens in the discussion so we weren't creating new council committees; it would be committees that the mayor and the president could put together themselves. The people on there were just merely a suggestion, and the specific reason I suggested you lead one of those committees and Mr. Mead lead one of those committees is specifically because you are extremely anti-tax, which I applaud. In fact, I can't think of a better person to look into the realities of the effects that a tax could have on somebody than somebody that truly believes this is a bad idea. Because, you're not going to get caught up in just the "Ooh, look at this money we can get." You're also going to be looking very hard at what are the effects this does to us, God forbid we ever went down that way. I do take umbrage in regards to your comments about, especially Mr. Wallace, not being interested in budget cuts and that we're interested in increasing taxes.

Councilman Stuckert: I know he is interested in budget cuts, so don't go there. I know he is. I said we're all friends. We're all doing things together. Just don't get carried away with it. My point was we sometimes bring things to council without vetting the whole thing to one another and before they get here. That was my point in the beginning and that's my point at the end.

Councilman McKay: Mr. President. I would suggest this discussion is getting pretty circular and we might call the meeting for tonight, with your approval.

President Kirchner: I would say, with the glazed eyes I see in the audience, that is probably one of the best ideas we’ve had tonight. Thank you, Councilman McKay. If there are no other folks to talk, we are adjourned.

A motion was made by McKay to adjourn.
President declared the meeting adjourned.
Council adjourned.

ATTEST:

President of Council

Clerk