

Wilmington City Council met on Thursday, August 16, 2012, with President Scott Kirchner presiding.

CALL TO ORDER

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

Assistant Chief Weyand was also present.

PLEDGE OF ALLEGIANCE

Council gave the Pledge of Allegiance to the flag.

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

PRESIDENT OF COUNCIL

A. APPROVE THE MINUTES OF THE AUGUST 2, 2012, REGULAR MEETING.

President Kirchner: The first item on the agenda this evening is the approval of the meeting minutes from the August 2, 2012 regular meeting of Council. I know Councilman Wells had indicated that he had found a correction.

Councilman Wells: Two.

President Kirchner: Two.

Councilman Wells: The first one in the call to order, they have me marked as absent but I was here. And the second spot, on page 22, where it says multiple speakers – inaudible for transcription, then it says Councilman Wells, I did not say that. That’s not me. There’s two spots where it says Councilman Wells. I don’t know who said that for sure.

President Kirchner: I believe, if recollection serves me right, that those may have been attributed to Councilman Stuckert. Councilman Stuckert, can you review those?

Councilman Stuckert: I don’t recognize them either.

President Kirchner: I believe we’ve reached the perplexing spot where “I don’t know” did it.

Councilman Wallace: I thought these were words from the floor, not from a Council person.

Councilman Stuckert: Probably from the floor.

Councilman McKay: It was from the floor.

Paul Hunter: What are the words?

President Kirchner: It says, “We already have a motion on the floor. Let’s get on with it.” Then it says, “Dick Unger: I would make one more note, and that is...” Then he’s cut off. It says, “Councilman Wells: Time is wasting here. They had three and a half years, and still wasting away. Let’s move along.” I did not say that.

Councilman McKay: I think it was Mr. Unger who made all those remarks.

Paul Hunter: He’s not here, so we’ll give them to him.

[Laughter and banter]

President Kirchner: Okay. So, would you like to put those corrections forward in the form of a motion?

A motion was made by Wells and seconded by Mead that the minutes of the last regular meeting, August 2, be amended as stated above.

Motion passed.

Minutes amended.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, August 2, as amended.

Motion passed.

Minutes approved as amended.

## B. SECOND PUBLIC HEARING ON ELECTRIC POWER AGGREGATION PLAN OF OPERATION AND GOVERNANCE

President Kirchner: The second item on the agenda tonight is the second public hearing on electric power aggregation plan of operation and governance.

President Kirchner opened the public hearing on electric aggregation.

President Kirchner: Tonight we do not have Bill Bradish available to be here, but I don't know if anyone in the public came to ask any specific questions about electric aggregation, have any input regarding aggregation, but I would welcome you at this point to step up to the podium, state your name and address for the record, and we would enjoy hearing what you have to say or try to answer your questions. Okay, seeing no takers, let me just give a little bit of information regarding where the process goes after the second public hearing. This is from Bill Bradish of Palmer Energy, who will be working with the County Commissioners and the city – choosing their aggregator. And the indication is that around – and these are approximate dates. They do depend on interaction with the state, the county, and action from the County Commissioners. But around September 1, the county approves the governance plan and prepares an application for certification. The same is submitted to PUCO. Also, on the first, a RFP will be sent to suppliers, a request for proposal regarding electric aggregation. September 20, Wilmington City Council will pass a resolution ceding the authority to the county to do that aggregation. September 21 is when RFPs are expected to be submitted. October 1 is the estimated date of receiving certification from the PUCO for the County Commissioners. Also on October 1, the hope is to be able to select a supplier from the analysis done on the RFPs. October 1 through December 31, the suppliers will prepare the opt-out materials, file opt-out with PUCO, send opt-out packages, prepare database for enrollment, a seven-day rescission period after enrollment, and then the estimate is that in January, citizens will be able to begin saving on electric power. The note that he did put at the bottom is that this is an aggressive timetable, and it should be noted, but it will be what they are working for because of the significant impact it can make to our community in a positive economic way. That's all the material I have on electric aggregation. And if we have no questions from Council and from the public, I will close the public hearing at this point.

President Kirchner closed the public hearing on electric aggregation.

## C. KAY FISHER – OHIO HISTORIC MARKER – THUNDERSTORM PROJECT

President Kirchner: The final item that have on my agenda is Kay Fisher from our Historical Society, who will speak about the Ohio Historic Marker Thunderstorm Project. So, Kay, come on up. Thank you for being here tonight.

Kay Fisher: If you've read the Wilmington News Journal this past couple weeks, you're probably now more familiar with Thunderstorm Project that was done by the Clinton County Air Corps Station in 1947. At that time, it was an old weather station, and one of the projects was to measure thunderstorms, which caused the most problems for pilots was when they ran into thunderstorms. So, this took place at our Air Base between May and September 1947. Bikini Island atomic bomb testing was the only thing that had priority over this project. So, I've given you some brochures that outline the project and

the significance. This was brought to my attention by two of our meteorologists, Michael Kurtz and Scott Hickman, and they were interested in the program. Lori Kersey Williams was added because the proposed site was the Lytle Creek Greenway and she's on the League of Conservation there. And since the Wilmington College owns that, they are another sort of partner in this. And I just wanted to invite you all Wednesday on the 22<sup>nd</sup> at 7:00. We're going to have a presentation, and the meteorologists are going to talk about the weather station today and what groundbreaking advancements happened at the Clinton County Air Force Base that are used today by meteorologists. And so, I invite you all to come. Part of our goal is we're trying to raise funds to get an Ohio Historic Marker for this event. All of the committee members come from four societies. And so, we're looking for a couple grants. Currently, we've already got \$150 of individual pledges, but we're raising this money to get a marker for this event.

Councilman Jaehnig: Kay, how much do you need?

Kay Fisher: It will be approximately \$3,000. The marker is about \$2300. They've changed the prices, but we also have to have it towed. It will come to park and we'll have it towed and installed. So, we're thinking ballpark, \$3000. And we're hoping to get grants that may cover that first 1,000. We haven't heard and we don't know, but that's what our hopes are.

Councilman Wallace: How big will this marker be, Kay?

Kay Fisher: Pardon?

Councilman Wallace: How big, the size of the marker?

[Laughter]

Kay Fisher: About this wide [indicating], about that high [indicating] in the shape of Ohio, and then it's on these poles.

Councilman Stuckert: It's going to be big, Mike.

Kay Fisher: It's about that big. We do have seven Ohio Historic Markers in Clinton County, and if we get this, it will be the eighth one.

President Kirchner: Thank you, Kay.

[Applause]

President Kirchner: Okay. That is the final official item on my agenda. The other thing that I did receive in my packet that I wanted to let everybody know about that coming up this Saturday, August 18, is the Fourth Annual Celebrity Waiter Event to benefit the American Red Cross. It will be held at Generations Pizzeria, and I know that the Mayor is on deck to try and get back in time. He has a wonderful commitment.

Mayor Riley: I'm going to do a wedding that evening...one of our police officers, as a matter of fact.

President Kirchner: He's going to do a wedding that evening, one of the police officers as a matter of fact. And I will actually be on the cleanup shift from 8:30 to 9:30. So, we encourage everybody to come out to Generations, have some great food and support a great great charity. Other than that, I have nothing. Mr. Mayor.

Mayor

Mayor Riley: Well, it's been a busy day again. In fact, at 6:30 this evening, I had the privilege of going out to Wilmington College and standing in front of the Boyd Auditorium to 400-plus smiling frightened faces of Wilmington College freshmen who are in. I asked them how many of you are not from Wilmington, and all but a few hands went up. So, we have a lot of people that are going to be new to our community. And I had the opportunity to welcome them to Wilmington and let them know that for the next

four years, hopefully more, they're going to be residents of this town, and if there's anything that we can do to help them out, we want – I said, you know, "Stop in the office. Call city hall if you have any questions." So, if you see young people walking around, and I know they will be, for the next several days, please stop and welcome them, introduce them. The college is such a huge part of our community, so make these freshmen feel welcome. That was a fun thing. Also, at 4:30 this evening, we had a presentation of the Fellows Programs. This is the third year that we've had the Fellows Program, and had a presentation in the Community Room. Wonderful projects that they've had. We had five fellows that had at least three projects each, I believe. So, they've been all over Clinton County helping out. Wonderful program. In fact, I'll ask Chris Schock to say a little bit more about it in just a second. I would like for Chris and Anna, if you would come on up, because we had another really interesting thing going on about a week or two ago. You all know that we have a lot of young professionals in our community, people who have called Wilmington home. At one point in their lives, they graduated, they went to college, they came back or like these freshmen that I just spoke to, they came to college and thank goodness, they stayed. They fell in love with the community. So, we had a meeting at the Clinton Memorial Hospital at the Boyd Cancer Center in the community room there, and I believe we had about 25 or 30 young professionals who are excited about living in Wilmington. They bring such energy. If you would, you know, come up and just say a few words about that program. And if you'd like to touch on the fellows, I would love for you to do that as well.

Chris Schock: Thank you, Council Members, and the Mayor and good evening, everyone. With me tonight is Anna Wiederhold who is a doctoral student at Ohio University. And as Randy had mentioned in our efforts to continue to engage young professionals, this evening we had our finale, if you will, of the Fellows Program, which is very successful. And thank you to many of you who were there for their presentation and their continued work. Also, our effort will continue through a partnership with OU to develop a strategy and methodology to engage young professionals in a more strategic way going forward over the next couple of months and into next year. It bears well with the Planning Commission's efforts to update the City of Wilmington's comprehensive plan next year, which is on our work plan, which was last updated in 1978. So that's a process that we'll be going through. And with Anna's help and her professors at OU, we'll be working to engage young professionals in a kind of objective and scientific methodology to get information about what they feel is important for the future of Wilmington and be able to incorporate that into the planning process and going forward. You want to add anything?

Anna Wiederhold: I would just say I'm getting my PhD in communication studies, specifically in organizational communication. And so, what my advisor and I do is we study and organize public discussions. And so, when I attended the young professionals' discussion, and Chris talked about wanting to continue and do things like this in the future, and I said, "Well, that's what I study." So, I feel like I could help there. And so, what we're hoping is that we can have a more representative sample, that we can have a more purpose-driven methodology going forward, that it can answer some real pressing problems that the young people in Wilmington are experiencing right now. And so, we're looking forward to community development.

Chris Schock: And so, I thank the Mayor for corralling this first meeting and working to set off this process. So, we'll continue over the next many months and into next year, and look forward to working with them. Are there any questions for us?

Councilman Jaehnig: Could you just take a second and talk about, you know, why the importance, some of the statistics that Mark and Taylor have shared over the last few weeks, you know, on why the focus on young professionals?

Chris Schock: Well, sure. I think – and we shared these statistics this evening at the Fellows Finale. But you know, it has been noted that between 2000 and 2010, for example within the under-45 age group, the county has lost about eight percent of the population in that sector in what we would consider a younger group. And we also gained eight percent in the above-45 sector. So, you know that the community is aging. That's not necessarily a bad thing, but you know, there is a generation that will need to

become taxpayers and active citizens in the community and, you know, contribute to that. So, it's important that we focus on, you know, balancing that and making sure the community has young professionals living and working in the community. Another statistic that is of concern is that the amount of our bachelors-educated young professionals 25 or older is about half of the state average, which isn't a positive number, as you can imagine. So, the Fellows Program is our proactive way to try to address that statistic, one that we've known for quite a while. And we do it, you know, as best we can by strategically placing fellows with certain businesses that we think they can bond with and hopefully find opportunities for in the future, and root them more into the community. So, that's also a concern. We would like to try to address that and to increase the amount of those people. So, I think that underpins those statistics and those concerns underpin that piece of our strategy related to young professionals. Of course, we have a couple different programs that address other issues like local business and energy and other things. But that underpins the logic, if you will, of why we focus on young professionals and have these programs that we do. And I would thank the Council and everyone for their continued support of the programs and the effort obviously, because it really does mean a lot to the program participants and to the businesses who receive those businesses who receive the aid and the assistance.

Councilman Jaehnig: Thank you.

Mayor Riley: Thank you. Thank you, Chris. Thank you, Anna. The program that we had – the meeting that we had out at the hospital was very exciting. I had no idea how many people would show up. We invited quite a list of young professionals. We had quite a few show up. I believe we ended up with about six tables with about five people at each table. We gave them, you know, discussion assignments, and then there was a reporting out at the end of it. At some point, when we get all of that information tabulated and written down, I will bring that back to Council so that you can get some idea of what the young professionals had to say. The last thing I have is I would like to address Council on the ordinance that they're going to be discussing here in just a few minutes. You're going to soon be voting on the third reading of a very important ordinance. And the reason for this ordinance was first presented by Scott Kirchner on July 5<sup>th</sup> as part of his budget proposal to the City of Wilmington. And it was to assure, and I'm quoting here, "that living within the city's means as we weather these economic times is something that we must assure," and I end the quote. I share Council's concern about the deficit spending. When the 2012 budget was approved, that projected a \$1.3 million deficit, basically spending \$1.3 million of our carryover. I stated that this might be the budget that we start with, but it will not be the budget that we end with. This Administration has worked throughout the year to be fiscally responsible, to be responsible stewards of the taxpayers and citizens' money. I'm pleased to point out that according to the Auditor's most recent report, and this is the report that I received just about a week ago from the Auditor. It's year-end July. So, it's seven months of data. But according to that report, we have not been spending carryover. In fact, we have added to the city's carryover. According to this report, we have added \$304,798 to the city's carryover. We are not deficit spending. We are doing our jobs. At this point, we do not need to eliminate vital positions within the city. Now, this does not mean that the crisis is behind us. This Administration will continue to be vigilant from a fiscal management point of view. The amount of carryover we have is just enough. If the economy continues to get worse, we may need to have a reduction in forces or a layoff. If that becomes necessary, I will desperately need to have our HR Director in his office working to assure that the procedures we follow are followed exactly. If we do layoffs wrong, we open ourselves to unnecessary liability. Also, I met with the Clinton County Commissioners yesterday morning. They have no desire to take over the responsibilities of our HR management. They acknowledged that if they did, they would have to hire someone who is well-versed in civil service employment law. Now, trust me, think about this, they are not – and I was a County Commissioner, so I can tell you this as a fact – they are not going to do that for free. It would end up costing us more. Having the HR Director of the county also directing the city human resources is not an option. We have already reduced our workforce considerably this year. Early this year in January, when the W-2 forms were sent out, we sent out 247 W-2 forms to people who had worked in the city of Wilmington in 2011. The last payroll in July, we issued checks to 212 employees. Now, we know of about ten employees who worked here in 2012, but are now gone. It looks

like we will issue approximately 222 W-2 forms in January of next year. That is an overall reduction of 25 employees. We are doing our job. The two positions that are mentioned in the ordinance that are not currently filled do not have to be eliminated. They are costing us nothing, and will continue to cost us nothing. I have no intention to fill them. And by the way, we do have a position on the books entitled "Deputy Fire Chief." That position was established years ago and has never ever been filled. We have never had a Deputy Fire Chief, but having the title on our books costs us absolutely nothing. Now, God willing, when the recession ends, when manufacturing jobs are developed in Wilmington and the city starts to grow, we may need an Assistant Police Chief again. If that happens, it will be the responsibility of this City Council to approve the funding of that position before anyone can be hired to fill it. And if the position is eliminated, it will cost the city close to \$2,000 to reestablish it. We will need to establish an entirely new job description, get the job description graded and rated in Columbus and then approved by the local Civil Service Commission. However, it doesn't cost us a dime to keep words on paper. We are doing our jobs. I need Danny Mongold now more than ever. We will be starting contract negotiations with three different bargaining units very soon. We may still be facing the need to have a reduction in forces. I read in the Wilmington News Journal, and also found on the page 13 of the minutes that were just approved that Scott suggested that we may not need an HR Director because, and I'm quoting, "Now we have a full-time Mayor and a full-time Mayor who had experience in managing a department out at the hospital, and obviously meeting as a former County Commissioner." Well, first of all, I am not a full-time Mayor. I may be in the office practically every day, practically all day every day, but I was elected to be a part-time Mayor. I just happen to love this city and am willing to work a lot. Secondly, during my management career, I hired, fired, and disciplined a whole lot of employees, but never without first checking with our Human Resources Director. They are the experts, not me, nor will I ever be an HR Director. Danny's job is significant and more than just human resources. His job was just expanded by me this year. He was not our Risk Management Coordinator last year. I added that responsibility in January. In fact, the list of things that Danny works on every day is huge. We have various issues and problems arising daily, daily that require Danny's attention. I need Danny Mongold now more than ever. Now, the majority of citizen complaints I receive on a routine basis generally involved traffic lights, potholes, grass, weeds. The services provided by our Maintenance and Repair Services, our Streets Department, are directed by Denny Gherman. Denny is truly one of the finest civil servants I have ever met. If there is a fire anywhere in the city, anywhere in the city, you'll find Denny there setting up barricades, directing traffic and working for the city. If there's a motor vehicle crash or a police incident anywhere in the city, you'll find Denny there setting up barricades, directing traffic, working tirelessly for the city any time 24 hours a day. In fact, this past Sunday afternoon, I called the Maintenance shop to leave a message for Denny about weeds and grass that needed to be mowed. I was planning on leaving the message, but I wasn't surprised when Denny answered the phone. There had been a problem with a street signal, and Denny came in to fix it. Denny Gherman is one of the finest people and most valuable employees this city has ever had. If we're going to continue to make Wilmington the best place in Ohio to call home, the best place that we can possibly make it, I need Denny Gherman. The entire community needs Denny Gherman and I am proud that he works for the city. This city needs Denny Gherman. You may have voted to approve this ordinance twice, but that does not mean that you have to vote for it a third time. Knowing that the Mayor will veto it if it passes should not be a consideration for your vote. You need to vote what you think is right. Think about what you're doing. Think about what you have heard. Think about what the citizens are saying. Our carryover is growing. It has grown by over \$300,000 so far this year, not shrinking. Think about what the employees are telling you. When it comes up this evening, I encourage you to vote no on this ordinance. Thank you.

President Kirchner: Thank you, Mr. Mayor.

#### Auditor

In the absence of Auditor David Hollingsworth, there was no report.

#### Asset, Acquisition and Use.

Chairperson Bob Mead had no report.

### Finance Committee

Chairperson Mead: Mr. President, we have four items on the agenda this evening. The first item is three readings on an ordinance making supplemental appropriations. I believe you all have those in your packets, and they were discussed in a recent committee reading.

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

President asked for discussion.

Councilman Wallace: I have a question. Where does the – for Part A and Part B, where do those dollars come from?

President Kirchner: Andy, would you like to explain where that money came from?

Fire Chief Andy Mason: Which money. I don't have it in front of me.

President Kirchner: It's the grant for the emergency ambulance fund. Is that established there?

Andy Mason: The State of Ohio every year gives us a grant. It's been \$7,000 before, \$6,000, \$6500. This year they gave us the grant. It's just a grant process that we do every year. The second part of that is –

Mayor Riley: Training education.

President Kirchner: It's the – you split it into the two.

Andy Mason: Yeah. It's a State of Ohio Training and Equipment Grant. It sort of works on a reimbursement. They'll give us money, we send them receipts, you know, so that they see where you're spending such. So, we're splitting that out. It was one grant. We're going to split some of it out to go towards training, and some of it has to go towards equipment.

President Kirchner: So, we're going to spend the money, and then they'll replace that with a grant once we give them receipts? Is that's what happening?

Andy Mason: They've sent the money. We have a certain amount of time to get them the receipts. They've sent it, we spend it, and give them the receipts.

Councilman Wallace: Okay. Thank you.

President Kirchner: Thank you, Chief.

Seeing no further discussion, President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Mead and seconded by Stuckert 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 resolution by title only.

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

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

President of Council declared Ordinance No. 5039 passed as read.

Chairperson Mead: The second item on the agenda looks like a duplicate almost. It's three readings an ordinance making miscellaneous transfers.

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

President asked for discussion.

Seeing none, President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

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

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

Director of Law read the ordinance by title only.

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

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

President of Council declared Ordinance No. 5040 passed as read.

Chairperson Mead: Third item on the agenda this evening is going to be three readings on a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

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

President asked for discussion.

Seeing none, President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

President of Council declared Resolution No. 2294 passed as read.

Chairperson Mead: The fourth item on the agenda is going to be three readings on a resolution accepting local government assistance formula as provided by the Clinton County Auditor.

A motion was made by Mead and seconded by Siebenaller to give the first reading only on the resolution Accepting Local Government Assistance Formula as Provided by the Clinton County Auditor.

President asked for discussion.

Seeing none, President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

President of Council declared Resolution No. 2294 passed as read.

Chairperson Mead: That's all I have this evening, Mr. President, for finance.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay: No report, Mr. President.

Solid Waste/Recycling - Chairperson Wells: Mr. President, I have one item on the agenda, three readings on a resolution declaring surplus property, to wit: Sanitation



Department vehicles valued at more than \$1,000 and authorizing the sale of such vehicles, and declaring an emergency.

A motion was made by Wells and seconded by Mead to give the first reading only on the resolution Declaring Surplus Property, To Wit: Sanitation Department Vehicles Valued at More than \$1,000, and Authorizing the Sale of Said Vehicles, and Declaring an Emergency.

President asked for discussion.

Councilman Jaehnig: Just for reference, the two vehicles going up for sale, one is a 1989 Dodge Ram D250 4x4, and the second one is a 1994 Ford F-150 4x4. So, these are well-used vehicles.

Councilman Wells: Actually, they're more than well used.

President Kirchner: We do encourage bidding though. They've been well taken care of. They've only driven to church on Sunday.

Seeing no more discussion, President called for vote.

Motion passed.

Director of Law read the resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

President of Council declared Resolution No. 2296 passed as read.

Chairperson Wells: That's all I have this evening, Mr. President.

Wastewater/Sewer Committee - Chairperson Stuckert: Mr. President, we have one item. It's an item that was first read at the last Council. It's a resolution that basically accepts some changes that have been made to our Chapter 22 by the EPA. And so, I would move for a second reading on that ordinance amending Chapter 22, Sewer Use Regulations of the codified ordinances.

A motion was made by Stuckert and seconded by Mead to give the second reading only on the Ordinance Amending Chapter 922, Sewer Use Regulations, of the Codified Ordinances.

President asked for discussion.

Seeing none, President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

Councilman Stuckert requested that third reading be on the Agenda for the next meeting.

Chairperson Stuckert: That's all I have, Mr. President.

Judiciary Committee - Chairperson Stuckert: Mr. President, we have the one item that's been discussed previously.

A motion was made by Stuckert and seconded by Wells to give the third reading only on the Ordinance to Abolish the Positions of Assistant Police Chief, Code Enforcement Official/Engineer, Human Resources Director/Workplace Safety Coordinator and Maintenance and Repair Superintendent, and Declaring an Emergency.

Bill Lierman: I'm just asking for a point of order. I do have a few comments I would like to make in regards to the school reference prior to taking the vote. If I could approach the gallery and and say some things.

President Kirchner: You may. Please state your name and address for the record.

Bill Lierman: You guys know me.

President Kirchner: I do, but the record doesn't.

Bill Lierman: Okay. Bill Lierman, 1069 Linhof Road. Duly elected member of the Wilmington City Board of Education, and also a former member of City Council. I just want to clarify a few things before the vote is taken tonight in regards to the Human Resources position and what we have done with the budgetary situation with the schools. And Loren, I commend you for what you are doing from a Judiciary standpoint in trying to minimize costs. Obviously, you know first-hand what is going on with the schools Brian knows firsthand. We've got Mr. Gigandet here, one of our teachers, also. The situation involving Mr. Blohm and his responsibilities in succeeding Mike Wallace as the Athletic Director. What we did was choose not to find a full-time Athletic Director for at least a period of one year and maybe two years. It's going to be reviewed on a case-by-case basis. No action was taken to do this on a permanent basis. Ed Blohm is the Human Resources Director, if course he has background and expertise in this kind of a situation where he can handle the duties from an administrative point of view and has been working with Mike over the last year. I cite for the record our action was taken by the School Board June 23, 2011, when we accepted Mike's letter of resignation for retirement purposes and we designated Ed to become his successor, trying to minimize costs because obviously shrinking revenues. So, just a point of order, for clarification, I want everybody to clearly understand we have not eliminated the position of Athletic Director. We have chosen not to fund it for the next year or perhaps two years. It will be reviewed on a case-by-case basis. And you're looking at the guy who held up the vote because Ron Sexton wanted it to be unanimous. The other board members were Kevin Snarr, Bill Davis, who's President, Steve Murphy, who's Vice President, J.B. Stamper, and myself. And I said, "You've got to convince me that this is the right thing to do. Obviously, everybody here knows who Donna Seeger is. Donna does a great job for us as the Athletic Department secretary. But we are analyzing every single position from an administrative point of view of the schools: Is this person essential? Is this person not essential? Then what we're doing is – you have to understand also, we've got Curt, who is our Director of Business Operations, Curt Bone. We've got Ed Bloom, and we've got people that can handle some of these responsibilities. Ed, his main forte since he was hired was HR, and I've given you a copy of the job description so everybody can see it. Some of those duties are going to be given out to Kim DeWeese where at New Lebanon Dixie, the district where she was at prior, she handled a lot of the benefits coordination. So, I just want people to understand we have not eliminated that position. We have chosen not to fund it for next year or perhaps two years. We don't know what's going to happen in the future because we're going to have three board members up next year. Next year, Bill Davis' term is up, Steve Murphy's term's up, and J.B. Stamper's. So, I just want everybody to understand we're trying to deal with budgetary deficit just like you are. So, I just want everybody to understand and for the clarification, I guess, the point I'm trying to analyze also is we feel a need for human resources. Now, I'll also take you back in time when we had Phil Warner as Superintendent and Jim Buckner was his administrative assistant, and I was off the board at the time. But J.Q. Taxpayers, Bill Lierman, I would address the board and I said "Why are you choosing to have an HR Director?" What they decided to do was to split up the duties. It formally was Mr. Buckner, but they split the duties up and they had Curt Bone become the Business Manager and they brought in Ed to do the HR. So, they split those duties up. But I was against it. I sit here now a humbled man. I think I was proven wrong. I can see the need for it, okay. All I would ask you is analyze, "Is it essential?" I would give you this comparison. Wilmington City Schools, the number of full-time employees, 284; 16 part-time. Now from what Kim tells me, if a person works the equivalent of five hours in the day, five days a week, that is considered full time. So, we had roughly 300 full-time employees with the schools. I'm not going to vote as long as I am on the school board to eliminate an HR Director. And I just want everybody to understand that's the way I

analyze that situation. Is that position essential? And plus, Mr. Blohm is basically the number two man in our chain of command right underneath the superintendent. So, we see the need on the school standpoint to have an HR Director. Being a former member of the City Council being up here 18, 20-some years ago, I remember then this lady right here, Linda Eichelberger, used to handle a lot of the HR duties. I see we now have an HR Director. And as I said the other night on the blog, and I'll walk away saying the same thing, if I was sitting up there and I had a vote, I would recommend keeping the HR Director. If you want to eliminate some of the other positions, that's fine. My suggestion as I walk away is lay it on the table and reconsider it until the next meeting.

Councilman Stuckert: Bill, could you give us an idea of what kind of savings you were able to target by making the move that you guys made?

Bill Lierman: Obviously, we're combining the duties for Ed and Mike together, and it's all a matter of public record. You can take what Mike's departing salary was, you know, and analyze it from that perspective.

Councilman Stuckert: Do you have any kind of figure you could give us?

Bill Lierman: I believe, you know, exactly what Mike's salary was. I just know that in general terms what – what Ron was trying to do is eliminate positions, plus I would say this on the administrative scale, he was kind of like an Assistant Principal at the high school because we chose a few years ago not to have two full-time Assistant Principals. We only have one. He was next in line as the Athletic Director.

Councilman Stuckert: All right. So, you've been restructuring over there –

Bill Lierman: Exactly.

Councilman Stuckert: – for years, because the revenues going down; right?

Bill Lierman: But I would say this, 2007 when I got back on – it was in August of 2007. 2007, 2008, it was great. I really enjoyed the job. It's becoming more of a challenge because all you're doing right now is eliminating people, cutting positions, and putting more hardship on everybody. You know it firsthand, Brian knows it first hand, Mr. Gigandet does. The schools are suffering, you know. And here again, you know, we're in this thing with you guys too. Analyze where we're coming from. But to me, an HR position is essential. You need to keep the HR position.

Councilman Stuckert: Thank you.

Councilman Wells: Do you know the salary level is for the Human Resource Director?

Bill Lierman: I'm not exactly sure what Ed's salary is. Right now today, he did not get one penny more over what Mike was making. Whatever Ed's salary was last year, and it could be in the \$100,000 range. I'm not exactly sure what his salary is. I can't tell you that for sure as I'm standing up here. But I do know this, he did not get one dollar more of compensation [inaudible].

Councilman Wells: All right. Thank you.

Bill Lierman: – situation here too and I need to see the need to justify having an HR position. And as I said, I'm convinced now it is the right thing to do.

Paul Hunter: Mike was making over 100,000 compensation, 85 salary and 20 percent for possible improvement, fringe benefit.

Councilman Stuckert: So, it would be about what you said then.

President Kirchner: If I could ask, for members of the audience, I would like to ask you to come to the podium and state your name for the record, be recognized for coming up.

And Paul, if you'd like to come up, I just want to make sure that the record knows who made the comments. That's all I ask.

Paul Hunter: She recognizes my voice.

[Laughter]

Councilman McKay: Mr. President?

President Kirchner: Yes.

Councilman McKay: Just briefly, I would just like to reiterate what Mr. Liermann said and to our example of the school system combining positions. This is dissimilar in that we are not getting rid of a human resources person. The schools kept their human resources person. They saw the wisdom in that. So, I do not see that the situation is the same at all even though it does hit the same position – but it's certainly not similar other than by the name of the position.

President Kirchner: At this point, I have a first and a second second for the third reading. Yes, Councilman Mead?

Councilman Mead: Well, I tried to put a thing in the paper, but it didn't seem to get in there. I didn't get involved in the last vigorous Council discussion, so I wanted to make a statement and let people know where I stood since I didn't say anything at that meeting. If you'd indulge me, I'll do so. If you don't mind, I'll stand; It's more comfortable for me. I'm sure everyone knows that times are tough and we have limited amount of money in our general fund. When we all ran for office the last election, we all included in our platform that we would work to balance the budget. By all, I mean seven Councilmen, one President, Mayor and there may have been a couple of other people that joined in. We all were going to work to balance the budget. Now, after several months it seems that four members of Council and the President are still striving for that goal while others seem to have rejected to the idea. Every citizen of Wilmington I have talked to has encouraged me strongly to stay on course and to balance the budget to our income and warned me not to sell the landfill and create a Rumpke mountain in our city limits. I have not talked to anyone who said anything different. The proposal presented by the President of Council embodies ideas and principles put forth by many people including the Mayor, the general public, town meetings, various Council people, Auditor, Treasurer, the Administration, as well as others. They're all ideas that have been heard about and discussed before. There's nothing really new. We've all – now, I'm not saying we've sat down and had an in-depth discussion, but they were all discussed before. It's not just one man's opinion when he presented this proposal. It was a combination of all these things that have been talked about. I know that when you look at these things and you come on one ordinance and there's a lot of concern and infighting about it, remember that 99 percent of what we do works out pretty well. I know there's always a percent here and there, maybe more than that, that are going to have a problem. The Mayor is going to do what he thinks is right for the city. The Councilmen are each going to vote for what they think is right for the city. So, I'm not saying anyone is doing anything wrong. But at this time, I feel we have no choice but to balance the budget to our income. If we do not do that, we are moving the city towards bankruptcy and we don't want that. If some time in the future significantly more money becomes available and the carryover is built up to a satisfactory level, the Council may consider a higher level of spending. But for now, the carryover, the income tax, and the property tax are all that we have in hand, and the Auditor has even advised us that we should keep approximately a quarter of the projected budget in the carryover to start the new year. And I'm hoping that we are able to do that. With the President's proposal, we are attempting to create a situation where we hope to avoid mass layoffs. By returning to the level of government that existed in 2004 and 2005, we feel that the employees will suffer the least amount of discomfort and there will be minimum changes in our services to our citizens. Now, as I said – I know that the Mayor's going to do what he thinks is right. The Councilmen are going to vote for what they think is right. So, with that, I move the question and ask for a roll call vote.

Councilman Jaehnig: Mr. President, may I respond to Mr. Mead?

President Kirchner: Yes.

Councilman Jaehnig: A couple of statements that were made that I'm a little concerned about. One was that there are only four Councilmen that are interested in balancing the budget because I don't believe that that is true. I believe that all seven of us are interested. We may not agree upon the methods to accomplish that, but I don't believe that it's a fair statement to say that there are only four plus the President, also excluding the Mayor that are interested in balancing the budget. Secondly, I'm concerned about the fact that I put a great deal of effort into doing the math at our last Council meeting in which the simple basic math clearly stated that not a single dollar would be saved by this particular ordinance. In fact, beyond not saving a dollar, this particular ordinance would, for a fact, cost the city more money than these proposed savings of \$400,000. Number one, you can't save money that has already been saved. You know, the Mayor has already saved the first two positions and have not filled them. You can't count those again. The HR Director's position, eliminating it will cost us an additional \$37,000. I don't see how that could possibly be in the city's best budgetary interest. And then, the City Services Director, it was clearly stated that we have an issue with regards to light repairs. We haven't addressed how we would solve that situation. And with – in just the first six months of the year, 59 calls on light repairs that he took care of saved us \$59,000 minimum, and that was for the first six months. So, leaving out whether you think the positions are valid or not, just looking at the simple math, are we saving money? I did the math. I believe I'm the only one that took the time to actually do the math and figure it out. I know that I did not take everything into consideration in regards to savings or costs that could occur, but I could not find a dime to save. Thank you.

Councilman Mead: One small comment. As I said earlier, every one of us has positive ideas on what we want to do, and not detracting anything from anyone else's ideas, but Councilman Jaehnig has his opinion, I have my opinion. So, as I said earlier, it's up to each one of the people in this group to cast their vote in the direction that they feel they should. Thank you.

Mayor Riley: It's like I wasn't heard earlier. I pointed out that as of the end of July, seven months in the year, we have not spent any carryover. This Administration has worked diligently to preserve the carryover. We have actually added \$304,798 to the carryover. We are not spending. We are adding to it. We are going in the right direction with the staff we have. And I agree with Rob, I'm a little bit surprised to hear that I'm not interested in balancing the budget when in fact that's what we have done. We are not spending – we are not spending carryover. We are adding to it as of this year. And that's with the staff that we have. So, I don't see where that comes from. According to this, so far this year I've balanced the budget to revenue, actually \$304,798 to the good. And we will continue diligently to do that. So, I don't understand where the comment comes from that, there's only four members of Council that are interested in balancing the budget. I agree with Rob, we're working hard to keep the budget balanced.

Councilman Mead: Randy, good work, Mr. Mayor.

Mayor Riley: Pardon?

Councilman Mead: I commend you for that.

Mayor Riley: Thank you. Thank you.

President Kirchner: Mr. Mayor, as I shared with you when you indicated that day at the Judiciary Committee meeting the other night, Council has yet to see a single identification of where dollar savings has come from, an indication of whether it was a one-time savings or structural changes that are permanent and can be counted on in future budgets, and we have seen zero dollars reverse appropriated from the budget. Until those things occur, that is just a checking account balance that can be spent. We do not have any official savings until you identify clearly where they are, reverse appropriate the money –

Mayor Riley: I'm amazed.

President Kirchner: – and indicate whether or not it can be counted on in future budgets.

Mayor Riley: I would like to hear from the County Auditor who has his hand up.

Terry Habermehl: I just – Terry Habermehl. My only question, Mr. Mayor, is how much of that \$304,000 includes advance for second-half settlement?

Mayor Riley: I'm not sure where exactly all this is. I'm just going from what we have as far as our report from our Auditor.

President Kirchner: Can we ask that you come up to the podium, state your name and address for the record.

Terry Habermehl: Sure, no problem. I have a big mouth.

President Kirchner: It's not about whether or not we can hear you. I just want to do the official record. And again, I will remind everyone in the public, please if you have something to say, come up to the podium, when recognized, state your name and address for the record.

Terry Habermehl: Terry Habermehl, 806 Crestview Avenue, Wilmington. My only concern is that 304,000. And the city on July the 6<sup>th</sup> took an advance on second half real estate settlement of \$152,000; July 20<sup>th</sup>, they took another advance of 356 according to my records. So, they took – the city took almost \$600,000 of advances in the month of July. So, if that 304,000 actually includes the advances, then by my math, you're down \$300,000.

Mayor Riley: No, I don't think so.

Terry Habermehl: Well, I...

Mayor Riley: I wish David was here. I wish David was here, but he's –

Terry Habermehl: Maybe not. I'm just –

Mayor Riley: And I did double check the math with David Hollingsworth, and he assured me that yes, in fact, we've done a good job of being very vigilant and he mentioned nothing about –

Terry Habermehl: I comment you. It's not an easy job and I know you're working hard. I'm just saying my concern is if includes that almost \$600,000 –

Councilman Jaehnig: Terry, I believe that these particular numbers that David Hollingsworth worked on were on expenses, not on revenues.

Terry Habermehl: Okay, great, great. Fantastic.

Eric Gherman: My name's Eric Gherman, 625 North Nelson Avenue. I am the son of one of the employees' positions you are wanting to get rid of. One thing, Council, I don't think you realize... like the fire department... You're on the fire department; correct?

Chief Andy Mason: Yes.

Eric Gherman: How many times do you guys have problems with the fuel pumps down at the service garage?

Chief Andy Mason: A lot.

Eric Gherman: How many times has Denny Gherman fixed that problem?

Chief Andy Mason: Every time.

Eric Gherman: That right there is the money you're looking for. I mean, the street calls, the accidents. He goes out and plows snow. I mean, he doesn't even call – like the police department will call and say the streets are icing up. He's all right, no problem. I'm awake because I am disabled and I am unable to work, and I'm usually awake at nights. I never hear him call in any of his employees. He goes and does this on his own time and does not get paid for it. So, figure in the money that, you know, the \$12, \$13 an hour you're paying for one of his employees to come in, and one guy to come in and spending six, seven hours salting the streets when he does it without getting paid. You guys really need to sit down and consider that. There's the money you're wanting to save right there by keeping him.

Mayor Riley: Thank you.

President called for a vote.

Roll call: Wallace, no; Mead, yes; Siebenaller, yes; McKay, no; Jaehnig, no; Wells, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by Stuckert and seconded by Mead that the ordinance be passed as read.

Roll call: Mead, yes; Siebenaller, yes; McKay, no; Jaehnig, no; Wells, yes; Stuckert, yes; Wallace, no.

President of Council declared Ordinance passed as read.

President Kirchner: Anything else?

Chairperson Stuckert: Mr. President, that's all we had.

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay: Once again, I get to talk about fun things in the midst of all this frivolity. We do have a third Friday event coming up tomorrow evening for all your enjoyment. I believe our bands are going to be Funky G and the Groove Machine. Did I get that right, Steve? And if I didn't mention it the last time, we do have a new purchase of a downtown building that's sort of catty-corner across from the coffee shop, the old AA Bonding building has been purchased and is being remodeled into an art gallery and some other things. So, we look forward to the downtown continuing to blossom. That's all I have, Mr. President.

Parks and Recreation Committee – Chairperson Jaehnig: We have no official report this evening, Mr. President. The parks do however remain very busy and active, and there is still a lot of activities going on in regards to tournaments and they are currently taking I think the registration for soccer.

Income and Levy Tax Committee – Chairperson Jaehnig had no report.

Service Director - Service Director Reinsmith: I think probably everybody's on the scene now that our Manhattan Project is about complete. I talked to the contractor –

[Laughter]

President Kirchner: There's a little bit of comedy there. You ought to clarify.

Service Director Reinsmith: But yeah, I think the contractor, he still needs to finish grading the soil and he's going to take put a crown on it so it doesn't hold water. We're going to seed it and straw. It will be a green space until I guess Council or the Park Committee decide what want to do with it. We had to leave some concrete there because of the culvert that runs underneath it. We didn't want to get into that and destroy that structure because it will be \$100,000 plus if we got into that. So, we may have to utilize that and tie that into a project, maybe a gazebo and a walkway to it or something like

that. I have talked to the proprietor of the joining the property and he said, “Since you tore you building down, my building looks bad.” Well, I said, “I don’t think that’s why it looks bad.”

[Laughter]

Service Director Reinsmith: But, you know, he’s interested in doing some things. And I have advised him maybe possibly talking to Council, explaining to Council or maybe he could do something to the side of that building – possibly a little bit of mural. We talked about maybe some UDAG financing. I gave him a packet, so he can try to put a plan together to beautify that corner. So, and I would like to report that our scales are well underway down at the landfill and they might be in operation by the end of the month like we projected. So the crew that’s in there is working really hard and they’re really humming. I think our next task is probably look as a committee and look at those tonnage rates because that’s what we’re going to be dealing, with the bottom line or whatever. So, that is on schedule. And third, the Mayor and I have talked, and Mike was down at the water plant, you know, we keep losing employees down there. Everybody wants a pay raise and some of them are looking at different areas of going. So, we have a staffing problem. And so, we were working with the Water Plant Superintendent, and we’re going to try to cut back on our hours of operation. And we started that this week. Rather than a 24-hour operation, we’re shutting down at 9:00 at night and starting back up at six in the morning. So, we’re losing that third shift, and we’re going to see how it works. We can do it right now, but probably late October once the water gets down below 40 degrees, it’s hard to do it. It clogs up the filters. That water thickens up once it gets in the low forties. But until then, we can save money with that third shift. Jerry has work up schedules to kind of eliminate some of the overtime on holidays and so, we’re doing what we can there to pinch pennies there at the water plant, see how it works. We’ve got about, you know, we use about a million and a half gallons of water a day, and we have about four and a half, five million gallons above ground stored well. We’ve got a million and a half in our clear well and about three and a half above ground. So, we can – I think we can do it as long as we don’t have major water line breaks. And we’re going to see how it works. We’re just going to keep working it that way.

President Kirchner: Larry, on the site down at Sugartree and South Street, when the finish grade is done, I know that one of the plans that had been discussed about it was the idea of a pavilion for the park system perhaps for music venue or something of that nature. Will that property be able to be built on or will there be additional work that will need to be done due to leaving the foundation the way it is?

Service Director Reinsmith: Well, yeah – I mean, we didn’t want to... Because we had it done for about \$24,000. But they did go in, they broke the walls in the basement, they shattered the basement floors so the water would drain, and they only put really pretty much solid fill back in. I guess if you want to put a pavilion in, you probably [inaudible] I don’t know how soon you’re going to want to do this, but you’re probably have about two or three years of settling that will take place...

President Kirchner: I suspected it may be a number of years before any kind of funds are available unless we would be lucky enough to grant funds. But, I know that when that property was originally purchased last year, the discussion was the idea of a music pavilion as part of the park system perhaps. But I was just curious about whether or not that property...

Service Director Reinsmith: You can do it, yeah –

President Kirchner: Thank you.

Safety Director – Safety Director Russ Burton had no report.

#### Reports

A motion was made by Wells and seconded by Jaehnig that the Auditor’s Treasurer’s Report for July 2012 and the Hotel Lodging Tax Report for the second quarter of 2012 be accepted as presented.



Motion passed.

Reports are accepted as presented.

Councilman Jaehnig: Mr. President, Mr. Mayor, can I ask that we add a percentage to that hotel tax report that would give us an indication of where it was compared to the previous year just so we have a general idea. We see the numbers each quarter, but it's very difficult to determine, you know, if that particular industry is returning or shrinking without being able to compare the two.

President Kirchner: I think we can go back to previous reports. Terry, is that collected through the Auditor's office?

Terry Habermehl: Yes, it is.

President Kirchner: Do you guys keep a report similar to that where we can compare year over year how the quarters are doing?

Terry Habermehl: We can create a report. I don't know that we do it quarter by quarter. Obviously, [inaudible for transcription] that we could provide.

President Kirchner: Okay. You submit this on a quarterly basis to us though for the current year; Is that correct?

Terry Habermehl: Yeah.

President Kirchner: Okay. We should be able to do it. Brenda, I'll offer that if you can collect all of the previous year reports, it would be an easy spreadsheet to provide as much history as we have in the report. So, let me know, but we'll work on it Councilman Jaehnig.

Councilman Jaehnig: Thank you.

President Kirchner: At this point in the agenda, we have the open to the public part of our meeting. I would ask for any volunteers that would like to come up and speak.

Mayor Riley: I will go first. Paul, if you'll excuse me for just a second. I have before me the ordinance to abolish the position of the Assistant Police Chief, Code Enforcement Official/Engineer, Human Resources Director/Workplace Safety Coordinator, and the Maintenance and Repair Superintendent. As I have stated, I am going to veto this. And I'm not going to wait the ten days or until the next session. I'm going to veto this tonight. The following is directly from the Ohio Revised Code, Section 731.27. Every ordinance or resolution of a legislative authority of a city shall before it goes into effect be presented to the Mayor for approval. The Mayor, if he approves such ordinance or resolution shall sign and return it forthwith to the legislative authority. If he does not approve it, he shall within ten days after its passage or adoption return it with his objections to the legislative authority or if it is not in session to the next regularly scheduled meeting thereof, which objections shall be entered into its journal, excuse me. Well, ten days from now will be Sunday or August 26<sup>th</sup>. The next regular Council meeting is scheduled for Thursday, September the 6<sup>th</sup>, three weeks from now. We need not wait that long. Let it be known by the President of the Wilmington City Council, all the members of City Council, the Law Director and the Clerk of Council that I do hereby veto the ordinance To Abolish The positions of Assistant Police Chief, Code Enforcement Official/Engineer, Human Resources Director/Workplace Safety Coordinator, and Maintenance and Repair Superintendent. And here are the reasons. A major responsibility of the Mayor's office is to protect the city...to protect the city. That includes doing everything within my power to prevent the city from being sued. At the Judiciary Committee meeting on July 12, the Committee Chairperson, Loren Stuckert, noted that we have had since 2010, 70 percent of the jobs secured by people over the age of 55 and that "We have a lot of young people out there that would be willing to work at wages that we could sustain." Within minutes, he asked for a motion to eliminate two positions held by employees over the age of 60. I pointed out that in Council in hopes that it would persuade you not to support the ordinance, an action that opens the city up

to civil suits involving age discrimination. I did that to protect the city from age discrimination litigation that would cost us hundreds of thousands of dollars. Secondly, it has been stated repeatedly that we need to cut costs. I agree. We all know that our largest expense is personnel. I would like to point out that for the past year, 2011, the city issued 247 W-2 forms. As of the last pay period in July, we issued 212 checks. I believe that we have approximately ten employees retired or resigned this year. That means that we will be issuing about 222 W-2s this year, a reduction of 25 people. Not bad. Rob Jaehnig did an excellent job at the last City Council meeting showing how the savings projected by making these cuts are really nonexistent. Fourth, as Mayor, I do not nor will I rule out the possibility that layoffs or reduction in forces may be necessary in the future. If we someday have to lay off city employees, it must be done according to the law and to all the Civil Service rules that apply. If that happens, I will need an HR Director more than ever. Fifth, also I met with the County Commissioners yesterday morning. As I suspected, they have absolutely no interest in taking over our HR management. You can put that to rest. Sixth, the majority of citizen complaints I receive on a routine basis involve traffic lights, potholes, grass and weeds. Dealing with these problems is the job of our Maintenance and Repair Department, Our Streets Department, and are directed by Denny Gherman. Denny is one of the finest civil servants I have ever met, and I am proud that he works for the city. The city needs Denny Gherman, and I will not allow his position to be eliminated. And seven, financially we have a long way to go. As I stated earlier, year to date, we have not spent any of the city's carryover money. In fact, we have added over \$300,000 to our carryover. Financially, we do not need to eliminate these positions. And as Rob pointed out last meeting, the net gain would be zero. We do not need to eliminate neither the ones that were filled nor the vacant ones. And for these reasons, I hereby officially veto this ordinance. And I'm signing it now. So, the ordinance will not go into effect.

President Kirchner: Very good. Is that all, Mr. Mayor?

Mayor Riley: That will do it.

President Kirchner: Okay, Paul.

Paul Hunter: Mike, I misspoke. The salary was \$85,000 total...not 85-plus. As the self-appointed eighth councilman...

[Laughter]

President Kirchner: Paul, please state your name and address for the record.

Paul Hunter: 200 Randolph Street. I have been observing city government work for the past 22 years, probably longer than anybody here has been on Council I know. For the majority of that time almost all the votes were 7-0 for any issue that was handed to Council for disposal. The rare no vote was so surprising that all three people in the audience gasped in surprise. 7-0, 7-0, aye, aye, aye. Continuous local economic growth allowed for casual governments with scant attention given to the long-term impact of legislation. Low value added positions were created. Sewer studies leading to unnecessary record fee increases and annexations were made with little attention to details. But times have changed as we all know and the new city government had to deal with the fallout from those halcyon days. Change is hard. It should be hard. But change must come if the city is to stay solvent. While I don't agree with all of the proposals, I applaud the efforts of this Council to find reasonable solutions. Disagreements should lead to compromise and usable solutions found. The recent enthusiastic input from the citizens at the meetings and in the press is democracy at its best. Noisy and messy as it is, that's the way it's supposed to be, not aye, aye, aye. City Government has and is working hard to pare the budget, but the citizens need to chip in as well. I would like to ask the audience for a show of hands in support of paying five dollars per month in new property taxes to keep residential streets plowed, de-iced in the winter and potholes fixed in the spring. Thank you. Too bad we missed the deadline for the tax levy in November.

President Kirchner: Thank you, Paul.

Mayor Riley: Thank you, Paul.

President Kirchner: Do we have anyone else in the audience that would like to speak during the public session? Mr. Hockaday.

David Hockaday: David Hockaday, 348 West Main Street. It won't be on the subjects this evening, but in following up the comment, I did vote no once, and it was a three-page Hockaday vote –

[Laughter]

David Hockaday: Mr. Mayor, you have the full authority. Can you tell me where the [inaudible] agreements are and [inaudible] location of the school stand? We have another conference call on the 22<sup>th</sup> involving all the parties involved [inaudible] on this. So, we're trying to get some feel where the [inaudible] desire to bonds in October and the clock is ticking. So, if you could give me an update.

Mayor Riley: We met on that ten days ago, and as of today we set them on the Clerk's desk ready to be signed.

David Hockaday: Do we have an idea when that might take place?

Mayor Riley: It's up to the President of Council. It's his signature that's required.

David Hockaday: We would like to get the bonds issued in October. If not, we have a 45-day waiting period, and the reason I know that it will be the second time we've submitted [inaudible]. Thank you.

President Kirchner: David, I am aware of the urgency of the matter, and I am reviewing the documents to propose the written questions that the Law Director has requested due to the nature of the legislation.

David Hockaday: Thank you.

Larry Reinsmith: David, I have a question.

David Hockaday: Yes.

Larry Reinsmith: Do we have a drop dead date [inaudible]? Are we – is there any danger of losing the money from the State? I mean, I know there are a lot of [inaudible] –

David Hockaday: It is my understanding that the State is in the position to move forward. It is my understanding [inaudible] being able to start 45 days from whenever the time period is for the vocational schools. There are costs in issuing the bond, and we understand we won't move forward until we have that clarified that the issuance of the bonds [inaudible].

President Kirchner: None of the questions, David, that I'm working to clarify, they will be on the list that I provide to the Law Director is whether or not the joint vocational school has the ability to act on that letter without the 45-day waiting period. So, we'll see if we can't speed it up some.

David Hockaday: Thank you.

President Kirchner: Anybody else in the audience here for the public – Bill, would you like to take another swing?

Bill Lierman: No, no, no, it's not a swing –

President Kirchner: No, no, no. I didn't mean a swing at us. It's baseball season, my friend.

Bill Lierman: Oh, okay.

President Kirchner: Back up to the plate. Back up to the plate.

Bill Lierman: [Inaudible] just wanted everybody to know the schools [inaudible] interested in the property [inaudible] when I sat up there on City Council, it was several years ago, and there was always an issue about paying the school crossing guards. That being said, I think that we need to incur the cost of paying for school crossing guards at Holmes and Denver so I mean it's going to be, what \$15,000.

Mayor Riley: Sixteen.

Bill Lierman: 16,000. Well – if it's 20, you know, you can't risk losing a lot of, you know, if I'm on the School Board and that happens, it would be hard to live with myself. You know, I regret that every single day. So, school crossing guards, that's just a small part of that. From the school standpoint, we want to see the safety program move forward too because 259 jobs at stake, we need tax revenue. And we see [inaudible] Cliff is in the audience. Anything else you can add, Cliff?

Mayor Riley: I would note that School Board has approved the compensation agreement.

President Kirchner: School Representative Rosenberger, did you want to step up and say anything?

Cliff Rosenberger: Well [inaudible] –

President Kirchner: It's not necessary. It's just unusual that a politician wouldn't have an opportunity to speak.

Cliff Rosenberger: Well, State Representative Cliff Rosenberger. I don't think you need my address. The Governor of the State of Ohio was there in October of last year. And at that time moving forward with the deal to get this project moving. And the longer that we continue to delay, that's 259 jobs that continues to not be created. The cost of this project continues to go up as time continues to delay. The winter months are upon us. It's extremely higher cost of construction as the winter comes on. And I would hope that the city – the school district has been very very very at least from my perspective very appreciative [inaudible] to step forward on this. And I would hope that the city and you all as leaders here in the city will [inaudible] and get this moving forward as fast as possible. Thank you.

President Kirchner: Thank you.

Joe Gigande: Joe Gigande, 105 Kentucky Avenue. I just have two points that I was kind of confused on, and maybe one of you can clarify it, maybe if just one of you could – Mr. Jaehnig, how does eliminating those positions like the HR position I think your argument was that it ultimately ends up costing us more money. I don't really understand that argument. And so, maybe you could clarify that. And then, the second question is just a simple question, are we projected to have the increased carryover or a reduced carryover? Is that still going to be in the positive regardless? Is it going to be increased or reduced by the end of the year –

Councilman Jaehnig: In response to your first question, and unfortunately you weren't here last week. And I'm not positive I brought all of the exact numbers, you know, with me. But in regards to the HR position specifically, since that position was created, the reduction in benefit costs that the city had to outlay has dropped nearly \$85,000 per year compared to before we had an HR Director. And that is due to having a Director who's on top of it every day and working with the different benefit issues and of course in negotiations of benefit coverages and things of that nature.

Joe Gigande: [Inaudible] other city employees?

Councilman Jaehnig: No, the reduction in the cost of the used benefits. We are self-insured. So, every time that an employee needs to see the doctor, has a surgery or something of that nature, then there's a certain amount that's covered, and then the city covers the rest of it. And prior to having an HR Director as a specific position, we had overruns that went beyond what we had normally put away and those were reduced greatly by having an HR position. We also get funds back from the Bureau of Workmans' Compensation for participation in their work safety program. And I believe that – I believe those funds ranged anywhere from eight to \$12,000 that would come into the city and be able to be used, you know, to cover budgetary issues. That's based upon our participation and compliance with Bureau of Workmans' Comp standards and involvement in a monthly safety committee that a lot of cities report to. Then you have the cost of a lawyer. If we do not have an – a person who is trained in HR available to deal with an HR issue, then quite often you're going to have to pick up the phone and call a lawyer. My understanding is the two different sets of lawyers we're currently dealing with run between 450 and \$650 per hour in costs. And so, if you take that and just estimate how many calls HR would have normally handled, take a percentage of that that would require you to possibly call a lawyer, and incur those additional costs. Then you add on top of that the fact that we have three different bargaining units that we have to renegotiate with this year. According to our lawyers in bargaining, having an HR Director saves them on average per meeting two hours of prep time that the HR Director's able to do for them and have prepared for them before a meeting, which again if you go back to the rate that we were paying and times that out, and that's where I got my figures. And those are just four areas that I looked at. There are many areas that could have been reviewed in that area.

Joe Gigande: [Inaudible]

President Kirchner: I can answer your question on that. The projected revenue for the year, we're at \$7.9 million. Our current budget, general fund, spends 9.2. And both those numbers are just rounded for ease of the math, \$1.3 million deficit. Now, I will say that I have been in contact with the County Treasurer's office following up on our delinquent property taxes and also inquiring about any other funds. And it is expected that the city will see in this final year of the inheritance tax a significant amount of money in the neighborhood of half million to three quarters of a million dollars. So, with a \$1.3 million deficit, looking at half a million to three quarters of a million dollars of additional revenue unexpected and unprojected because our projections have always put that value at zero in the inheritance tax. It was not predictable. It was not plannable. And I will say it will not happen again. It ends this year. So, there is a one-time influx of funds that will come in to help cover a portion of the deficit for this year. The city entered the year with approximately a \$2.5 million carryover, which based on our budget is right at one quarter of our operating budget and the current policy of the city although always open for consideration if that is the appropriate amount or not, but is – the appropriate amount for one quarter of our operational costs. Depending on what the amount is that comes in from the inheritance tax, you will see a deficit by budget to income anywhere from .8 to .5 deficit, which would be reducing the carryover. Now, that's based on the current appropriated budget to the projected income. And as I shared earlier with no indicated reverse appropriations, for the Mayor no identification of where the cost savings are coming from, whether or not they are permanent one-time structural changes, long term that can be budgeted, we can't identify anything further from a Council standpoint, and we hope to get clarification from the Mayor shortly.

Joe Gigande: Okay. Thank you.

Mayor Riley: Some of the clarification that Scott's asking for is just about impossible to do. We do our very best in management. And as I said, I've been in management for 40 years. You always do your best to try to project your budget based on trends, based on what you know is going to happen. But it's almost – well, it is impossible to budget for all contingencies and to prepare for every contingency. We have no idea what's going to happen in the city of Wilmington tonight, tomorrow, next month or next year. God willing, you know, we will not have a disaster, tornado, blizzard, another employer leaving. One of my prayers every day when my feet hit the floor is that we have jobs coming in, that we have some economic development, which would relieve our budget

woes considerably. But trying to predict and trying to give specifics, it's almost like asking an announcer to call a football game before the kickoff. You just don't know what's going to happen. So, we do the best we can, and I – I don't like the fact that sometimes in management, you have to be the reactionary, but quite often in management you're reactionary. We do our best to plan, but there are just no absolute guarantees. But thank you.

Mary Miller: Mary Miller, 986 Xenia Avenue. I've been kind of debating whether I wanted to say something. I've been writhing in my seat, clapping, squirming, going back and forth. I'm half tempted to play 20 questions with you guys. But I feel like I'm a moderately to above average informed citizen. And I almost find it insulting that over five times people would ask questions and you answer with I don't know. I'm coming to every meeting that is open to the public that I'm available to, and I'm going to be coming with informed questions, and I want informed answers. I don't know that number when you're talking about people's jobs, you're talking about my taxes, and you don't know the answer. Unacceptable. I want you to get creative, make the cuts and know your information. You [inaudible] but you don't even know your numbers. I'm an informed citizen, and I'll be coming to these meetings expecting answers. It's just like you've been playing word games all night with each other, and nothing got resolved. Secondly, finally, Mr. Mayor Riley, I voted for you [inaudible]. I'm a conservative. So, automatically you had my vote, but then I went to your debate and left kind of scratching my head. It was a great debate. But I'd like you to keep in mind something you quoted before and I read – the quote in the paper was we're going to have to start doing less with less. And I don't see it.

Mayor Riley: We are doing –

Mary Miller: I don't see you making the hard decisions. So, you – the easy ones, yeah. And I think this is getting – why are all four jobs up at once? Why can't you address each one individually because I have some controversial opinions against some of these positions. But this Gherman gentleman, one I know his son personally, great gentleman. I could be – if he's in this room, I don't even know. So, it's obviously not personal for [inaudible] because I don't even know whose here. But why is he on the same page as – why is he getting put into the same group as a position that isn't even filled? He's a real person, and we have an empty position. Why are they together?

President Kirchner: I can answer –

Mary Miller: That would be great.

President Kirchner: The proposal was to abolish specific positions in the administrative structure to try and lower costs of our administrative overhead.

Mary Miller: Okay.

President Kirchner: In the specifics of the M&R Superintendent, in looking at the management structure, you had Mayor, Service Director, M&R Superintendent and crew leaders, four levels of leadership. As you indicated, difficult decisions need to be made.

Mary Miller: Absolutely.

President Kirchner: None of the decisions on eliminating – abolishing positions has to do with any kind of performance or who is in the position. It was simply looking at positions that could save the city money, keep us from having to send home policeman or fireman or the street workers that repair the potholes and salt the streets and plow the snow, the idea being that we wanted to try and keep the service providers. If the other three positions, they did not exist prior to 2005. They have been added. And the idea was to try and reduce the city administration back down to the size it had been previously and maintain as full a services as we could, and that proposal was the one that I put forward on the structural changes to the city administration trying to minimize the loss of service people on the streets.

Mary Miller: I appreciate your answer, and I appreciate more that you had one. I don't know things is getting old.

Mayor Riley: And I pointed out tonight and previously that we are 25 employees less than we were last year.

Mary Miller: Yeah, but – 25 employees more than we should have been.

Mayor Riley: And that is through attrition. That is without firing and without layoffs. Did you get my letter, Mary?

Mary Miller: No. I did leave a voicemail, but –

Mayor Riley: You left a voicemail, but you didn't leave a phone number. And so –

Mary Miller: It cut off. I was rambling.

[Laughter]

Mayor Riley: So, I did send you a letter, but I thought it was on Thorn Avenue. That was what the voter registration was an address –

Mary Miller: No.

Mayor Riley: Okay. Well, somebody on Thorn Avenue is wondering why they got a letter from the Mayor. But I'll give you a copy of it if you'll give me your address.

Mary Miller: Appreciate it.

Mayor Riley: I'll get you a copy of that. I did try to get with you.

Mary Miller: Appreciate you guys.

Mayor Riley: Thank you.

President Kirchner: Brett.

Brett Dixon: I'd like to address Council just briefly. My name is Brett Dixon. I live at 193 Mitchell Road. I live in the county, but I'm also a commercial property owner so I pay taxes. And I want to say first thing is, you know, I worked with the county now I think [inaudible] about the last 14 months, and it's been very challenging and we've been learning a lot. And hopefully, you know, whatever we have, we'll be able share it with you [inaudible] sometimes we don't hear what's going on, but we talk about that on the phone on a [inaudible] basis. I want to tell you something, you know, this week I had an opportunity to be in the city building to be a part of the service you provide. I'll just say that. And, you know, [inaudible] very much, and it reminded me of why I like Wilmington and why [inaudible] and I came back to Wilmington [inaudible]. And I just want to tell you it was a great atmosphere. The people in the city, they're very kind to me. Just nice to have people know your name. It just really assured me as to why I live in Wilmington. And I know your job is very hard, and I appreciate what you do. What I want to talk to you about though today is [inaudible] and I want to make sure [inaudible] in a diligent and a prudent manner. And I bring this up because I've been involved in this process on many levels. And one of the things we're all trying to do is make sure on behalf of the county and on behalf of the state is that we are eliminating new roadblocks and make this thing work, and roadblocks in the sense that [inaudible] to be addressed. And can I tell you I'm an expert in the entire process? No. But I can tell you when red flags come up when they say is this being done. And it's really [inaudible] tell you [inaudible] several months ago. And the major concern they had is to have the groundbreaking at that time [inaudible]. And so, the drop dead date I think really is November. And I think the reason that drop dead date is November is because of the construction costs. They don't pour concrete certain times of the year. I'm sharing with you this so you understand some of the conversations I've had [inaudible] to advise

people during this process. Part of that process we learned is there [inaudible] and I was under the impression initially that the notifications process started [inaudible] to a point. My understanding now that is true with the exception [inaudible], and I would implore Council whatever you have to do to make sure that notification is released. The notification starts the process. It does not guarantee the [inaudible]. I appreciate the Council President – Council President Kirchner's due diligence. I have spoken with him and he is making sure [inaudible]. But I implore you not to delay. [Inaudible] and all that being said, time is – the clock is ticking. For example, there was a comment in the paper, I believe the financing was delayed in the state and the same role I'm doing now, we contact the state of Ohio [inaudible] everything looks like it's on track. So, again, we just want to make this thing work because we sit here and make these decisions, most of us have jobs. And so [inaudible] not only to the company that I'm trying to support here in Clinton County, but also to the people that are seeking those jobs. And I appreciate your time to make those comments.

President Kirchner: Thank you, Bret. I would offer some clarifying information.

Councilman Mead: Make one quick comment.

President Kirchner: Go ahead, Bob.

Councilman Mead: I just want to thank everyone here. It was mentioned earlier this evening what this process is, the democratic process. And I – the Council people is working hard. The Mayor is working hard. President of the Council is working hard especially [inaudible] public for being up here. You know, there's ten or 12,000 in Wilmington, and how many people come to Council meetings and how many of those get personally involved in giving us their comments. And I don't care if they hate me or love me, I just love to see people come up and make their comments. I think that's the greatest thing we have in this country, and I don't want you to stop. I want you to keep coming up here with more people. Give us hell if you have to. Come on up, and I thank you for doing it.

Councilman Stuckert: I second that one.

Linda Eichelberger: Linda Eichelberger, 426 Mayfair Drive. For about 30 years, I sat in the office, the Mayor's office, and I think you guys are making one of the biggest mistakes you have ever done is eliminating the Denny Gherman's job. I don't think there's a day that went by in the Mayor's office that I didn't receive five – five to eight calls concerning a problem on the street, a problem with a traffic light. And here you are eliminating a guy's job that makes \$71,000 a year or a little over, and you're telling me you're justified. He's already made 59 calls out for traffic lights. And I know when I was in the Mayor's office, that's \$1,000 a call that we had to sit and wait on somebody to come from Dayton to fix the light and we had to send in traffic – a police officer [inaudible] Denny Gherman out [inaudible] here when I first started. Now, you explain to me how you are saving any money by eliminating this position.

President Kirchner: Linda, I'll take that question. Denny Gherman wasn't trained to work on those stop lights when he originally got here necessarily, and we could have multiple people in the department to be trained to have the level of technicianability to work on those lights. The idea is to remove a level of management in the chain, and it's simply to try and keep as many of those workers as we can working on our streets, working in the snow plows in the winter, keeping the streets safe for the citizens, keeping them clear so that safety vehicles can get to the emergencies that they need to be at. I believe that there are other people at the city that could be trained to work on those very lights.

Linda Eichelberger: And you will be paying them overtime to come in to cover those lights because Denny does it all on his own. He doesn't call somebody in. So, you tell me how much you're going to save, 59 calls calling someone in at time and a half to fix the lights.



President Kirchner: I'll have to look at numbers, Linda. We'll have to see who gets qualified and what classification they're at. But I also have to ask why have we had so many instances of light failures. As an engineer, I would be asking the question –

Linda Eichelberger: Because they're old.

President Kirchner: – do we have reliable systems, or perhaps what we need to do is look at replacing some of those systems. If they're old and that's the reason the failing, then perhaps we need to look at updating some of those systems.

Linda Eichelberger: At the cost of a traffic light? Do you know what the cost of a traffic light is?

President Kirchner: It depends on whether you install it from nonexistent to new.

Linda Eichelberger: You're not answering my question?

President Kirchner: \$100,000 –

Linda Eichelberger: \$100,000 –

President Kirchner: – at an intersection with no stop light. That's what I said.

Linda Eichelberger: \$100,000 –

President Kirchner: That's correct. What I don't know is whether or not the existing lights could be upgraded in the control panels they have. And those are additional questions that I think we would need to ask.

Linda Eichelberger: Well, haven't you asked yourselves that before you eliminate a position?

President Kirchner: In my case, Linda, I will tell you that with us in the middle of the third year of deficit spending and the carryover running out, the luxury of being able to ask all of the detailed questions down into understanding who would be available, what their rate would be, investigating the engineering behind whether or not we could replace some of those faulty lights that keep failing, the time to be able to get down to those levels is getting to the point where now the decision is to make structural changes to the city or risk losing the service personnel that are on the front line of service. This is not a comment on whether or not Denny Gherman has been and continues to be an excellent city servant. I have personally talked to Denny and let him know that I believe that his service to the city has been nothing less than stellar. But the bottom line is that we have to make decisions about where the limited funds we have get spent.

Linda Eichelberger: Well, let me just tell you why don't you go back to 2004 era where we had two people in M&R that was paid in Denny's department out of M&R, two in sewer and two in water, and we had a superintendent and a mechanic and Denny controlled them all. And we used them to work on a water break, a sewer break or whatever went on because you can't do it with two people when you have a water break or a sewer. You have to have sense.

President Kirchner: I agree with –

Linda Eichelberger: And now you have increased the department [inaudible] records I asked for. You now have eight people plus a crew of superintendent and a mechanic. There's your first cut.

Mayor Riley: Linda, we're actually working to go back to what you just described.

Linda Eichelberger: [Inaudible]

Mayor Riley: Yeah, we are. We are. And Denny is key in making all these things happen. And to answer Scott's question about whether there's any traffic failures, a lot of it from what my conversations with Denny is because of all of the renewing that we had on old 73 –

Linda Eichelberger: That's correct.

Mayor Riley: -- and that takes a lot of time to get things back up and running. That's been a long operation. But thank goodness we have someone like Denny who knows what he's doing and can answer those questions without going to Dayton to bring in somebody –

Linda Eichelberger: That's correct.

Mayor Riley: – that like you said is \$1,000 a pop. That's one of the reasons that Denny Gherman has got to stay with the city as long as he wants.

President Kirchner: Linda, I won't disagree with the idea that reductions need to be made somewhere. And to be honest with you, my analysis was done with the org charts in my hand –

Linda Eichelberger: With what chart?

President Kirchner: The organization charts. And every position in there has been justified by every department head as absolutely necessary all the way through these deficit budgets. Now, we held two or three financial work sessions where ideas such as this one the Mayor is indicating is now floating could have been brought forward. This Council waited six months for that kind of restructuring to come from the Mayor. But at this point in the year with the 2013 budget coming on, if we don't make structural changes we can take into that budget, and you're familiar with the budgeting process –

Linda Eichelberger: Definitely.

President Kirchner: – we've got to get to where we can balance the budget to our revenue and live within the means of the city. And I have said all along and I will continue to say that I do not think my proposal is the only idea. I do not think that there is any reason this Council would not consider other structural changes to the personnel in this city. But the bottom line is that we have to consider some structural changes to the personnel in this city. Now, you know Council is not involved in the day-to-day operations of this city. It is not their area to be involved in. It is legislative. And the Mayor has shared that there is a separation of powers. Day-to-day operation falls directly under him. We are happy to hear any ideas that he would like to bring forward about restructuring any other positions that make sense because they don't add enough value to spend the taxpayers' dollars on in deficit spending. This isn't the only proposal that could be out there. But I will tell you that it was the only proposal given to Council to act on. If the Mayor has other proposals, he just simply needs to bring them forward so that we can understand the impact of the budget and plan for the city to live within its means because we must do it.

Linda Eichelberger: Well, the HR Director was always done in the Mayor's office and not a problem.

President Kirchner: Agreed.

Linda Eichelberger: And people's salaries keep increasing and responsibilities keep increasing. But that's not one where Denny Gherman is concerned. His job is 24 hours a day seven days a week, and I don't care whether I was at home, at work or wherever because people [inaudible] called at home too. I would pick up the phone and call Denny Gherman, and he would go out right away and fix the lights, and fix the pothole, and fix whatever had to be fixed. And you – it figures that [inaudible] 59 times this year, that's \$59,000. Now you tell me how much you're saving by eliminating his position.

President Kirchner: I can tell you the numbers in the budget for his salary and his benefits. The question is whether or not we would have enough people trained in the city to be able to do what he does. And then, we get into the next discussion, which we've already had, about paying overtime, what classification. I understand, Linda. I get it. As I've said, if the Mayor would like to present an alternate proposal that will save the kind of money we need to in order to balance the budget, it is not my opinion that this position must go. It is my position that the budget must be balanced. That is my position. And because this Council had nothing else to act on, I presented an option. And all the way through that discussion, the Mayor and other members of Council that have not supported this had the opportunity to present alternate proposals, alternate ideas, alternate structures. This week we held a meeting, and I indicated this same thing to the Mayor. I indicated the same thing to the committee. I am not tied to this proposal because I think it's the only one that can work. I am tied to this proposal because it's the only one that has been offered, and that is what we need is a specific proposal of restructuring the city to make the costs live within the means we have. And the Mayor is open to bring that forward at a point. I have indicated a willingness to work with him on any legislation that he would like to bring forward through Council and to try and support that and to sit and talk and work together on it. But to date, we have not received that. The only report we got from the Mayor and his Advisory Committee indicated that we needed to increase revenues. It did not indicate in his top three recommendations any structural changes to city operations. It recommended an additional \$2 million in taxes, legalizing gambling and collecting revenue off of it, and selling the landfill. Those don't restructure.

Mayor Riley: It did not –

[Multiple speaker – inaudible for transcription]

President Kirchner: You're correct. It recommended leasing – the Mayor in that meeting said sell. And that has been what has come forward. I also indicated in Tuesday's meeting to the Mayor that I was more than willing to work with him on any legislation he wanted to bring forward out of that. I named the Income and Levy Tax Committee when Councilman Jaehnig raised his concern that if cost cutting didn't work, nothing would be ready in time for the ballot. We put the committee together. I put him in charge of it, and nothing came forward as a recommendation out of that.

Councilman Jaehnig: You haven't asked for one.

President Kirchner: We put together the committee that you were concerned about –

Councilman Jaehnig: Right.

President Kirchner: And we did not receive any kind of a recommendation.

Councilman Jaehnig: I clearly stated at the very beginning was to do the homework. At no time has the President asked for us to come forward with a proposal on increasing taxes.

Councilman Wallace: There were several recommendations made to report.

Councilman Jaehnig: There were several recommendations made.

President Kirchner: Which we got last meeting.

Councilman Jaehnig: Correct. So, don't say that nothing came from –

President Kirchner: No recommended legislation for additional revenue –

Councilman Jaehnig: Yes, there is. There is legislation that has been sitting in the Judiciary Committee for months now in regards to permitting skilled games, not legalizing gambling as you just stated. The Law Director has referenced it multiple times now in its appropriateness and the fact that the city is not endangering themselves in any

way in moving forward with that. And we have available to us at that particular point \$18,000 in permitting fees. Yet, we have taken no action on that whatsoever.

Councilman ? : And I'm amazed –

Councilman Jaehnig: The committee is working to get the legal answers that they need.

Mayor Riley: What other legal answers do they need?

Councilman Jaehnig: Have you produced the legal written opinion –

Law Director: I emailed it to – who all did I email that to?

Councilman Jaehnig: The Chair of the committee, myself, and the President of Council.

Law Director: Yes.

President Kirchner: Was there an attachment to that?

Law Director: There was just an email, written email.

President Kirchner: And I thought a written opinion was requested; is that correct?

Law Director: Yeah. I think – requested an opinion.

President Kirchner: Mr. Mayor, you had –

Mayor Riley: A month ago – a month ago as part of the Blue Ribbon Panel report, there was Appendix A that very clearly states – the heading is “Ideas Under Consideration for Cost Savings and Revenue Generation.” And I went department by department with ideas that we as a group should look at and consider. This was presented to Council on July the 19<sup>th</sup>, a month ago. This was presented to Council, and I'm still working on this. In fact, I gave another working copy to the Chairman of the landfill just this past week that broke down some of the landfill recommendations, the pros and cons and things that we can work on. When I hear that we haven't done anything, wrong, that's just not true. This Administration has been working diligently for seven and a half months to balance the budget. There are over eight pages – over eight pages of recommendations that were presented to this Council a month ago. And I'm still working on some of them. As I said, I gave Don Wells another updated page that looks at the landfill and some of the things – some of the options that we can do for the landfill broken down – each one of them broken down into pros and cons. And I told Don, I said, we need to talk about this, we need to get together and talk about this. And I hope that once that is read, we'll have some discussion and we might be able to move forward on some landfill situations. And I'm not married to selling the landfill. In fact, in the options, one of the options is do absolutely nothing, just continue operating the landfill as is all the way up to leasing or selling the landfill. But we have to look at every option and – every option. And over eight pages of recommendations headed “Mayor Randy Riley's Report of Activities, Ideas Under Consideration for Cost Savings and Revenue Generation.” And when you say we haven't done anything, you are misinforming the public.

President Kirchner: I do not believe, Mr. Mayor, that is what I said. What I said was that this proposal –

Mayor Riley: Did you guys hear the same thing I did?

President Kirchner: – was the only one offered.

[Applause]

Councilman Stuckert: Let me ask you something, folks. Do you know the difference between a proposal to Council and working on something? I sat I was Council since last July and we've been working on it since last July. Our first deficit occurred three years

ago. They've been working on it for three years. Now, that's the difference. There is a difference. Watch your words, okay. It's time to quit working on it and do something. There's one proposal –

Mayor Riley: Excuse me. That didn't sound right.

Councilman Stuckert: Okay. It's time to quit – okay. I'm saying you're still working on it. Do something. That's right. Give us a proposal.

Mayor Riley: We are doing things.

Councilman Stuckert: You're working on it.

Mayor Riley: We are doing things.

Councilman Stuckert: Where's your proposal, Mr. Mayor?

Mayor Riley: I just showed that we have not spent any of the carryover this year. We are doing good work.

Councilman Stuckert: Mr. Mayor, let me make a comment.

President Kirchner: Could we please have everyone respect speaking one at a time so people can be heard. Thank you.

Councilman Stuckert: May I speak, Mr. President? Okay. We've listened to the figures about how we're adding to the carryover. Isn't it interesting that's coming out now. We got the report from the Auditor. Okay. What happens in January, February, March, April, May, June and July? We pay our taxes, don't we. Okay. Our income – our revenue is tied very heavily to our income tax. We get our revenue at the beginning of the year. And I've seen this happen before. We look pretty good. And then, somewhere during the year the revenue quits coming, and the expenses that have been appropriated keep going. Now, if you can set there and say we are headed for a balanced budget based on these figures that you're talking about, this enhanced carryover, if we're going to have a balanced budget this year with revenues that are not one time, they're going to be revenues that this city can count on, then I will – we'll have you show us everything you've done and we'll have a big celebration downtown, absolutely have it. But everybody's playing with numbers, you know. I mean, the thing is is that what the President is saying is we've waited and waited and waited, and we have one proposal made. And the entire – we're in our third Council. And for that entire period of time, all we have had is attacks on us about that proposal, that's it. We have not had one single new proposal to counter it – legislative process. If I don't like what someone is proposing, I have an obligation when we have to – we're trying to get to something we all agree we have to get to that I have an obligation to make a counter proposal, and that what's we're saying. We're not married to any of these proposals we're making, not married to them at all. What we're married to is we're going to balance this budget. And whoever comes up with the best ideas to do that will get the votes. And that is the goal, and we've got to keep our focus there, and there only, and quit this attacking one another over all kinds of other things, who said what when. There's two things we – we've got to balance our budget, and I believe we've got to have some proposals that we can all vote in to accomplish that.

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

Motion passed.

Council adjourned.

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

President Kirchner: We are adjourned.

ATTEST:

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President of Council

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Clerk

