

Wilmington City Council met on Thursday, December 20, 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.

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 - President Kirchner asked for approval of minutes.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last special meeting, November 17, as amended.

Motion passed.

Minutes approved as amended.

Mayor - Mayor Riley had no report.

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 introduced legislation making miscellaneous transfers. He asked if clarification was necessary.

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

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5070 passed as read.

Councilman Mead introduced legislation making supplemental appropriations and asked if there were questions.

Paul Hunter reminded council that it was not required that the Convention and Visitors' Bureau receive the Hotel Lodging Tax. He said the funds could be diverted elsewhere or retained by the city.

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

President asked for discussion.

Councilman Mead asked if there was a reason why the hotel lodging tax went to the Visitors' Bureau.

Councilman Jaehnig said that it was originally set up that way.

Councilman Wallace said that we have an agreement with them. Councilman McKay said all but a portion goes to them. Councilman Jaehnig stated that there was a 10% handling fee.

Mayor Riley said the ordinance was a little vague if you read it. He said there may be some wiggle room in it and has asked the Law Director to look at it to see if there are any options of other things that could be done with those funds. He added that traditionally we are strictly a pass-through for the funds, which go to the Convention and Visitors' Bureau in order to increase tourism.

Brian Shidaker said he was going to review and issue a legal opinion.

Councilman Wallace said that he sits on the Convention and Visitors' Bureau Board as the representative from City Council. He said that he believes they do at least that amount of good for the City of Wilmington in terms of creating revenue and interest in the City. He further explained that they create their budget based on the yearly amount they receive from the city.

Paul Hunter offered that there are organizations other than the Visitors' Bureau that create hospitality business in the community. He said the City Parks brings in a lot of tourism, and they are operating on a shoestring. He suggested it was something council think about.

Councilman Wallace replied that the CCCVB works with the local businesses to generate interest in the community.

David Hockaday explained that historically there had been one deviation when the city used some of the money to plant the trees along Rombach Avenue to create an enhancement for that area.

Seeing no more discussion, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5071 passed as read.

Councilman Mead said that they had received additional information from the administration and the Auditor regarding the 2013 budget. He said at this point, he did not feel that the committee was ready to take any action without further discussion.

Mayor Riley said that there had been a lot of discussion in the past two months. He said the first budget presented on November 1 offered a little over 25% carryover, which had been unanimously asked for by council. He said he was very pleased with the work of the Auditor and Deputy Auditor to provide a budget that completed that task. He said that we had spent numerous hours and Saturday mornings talking to the department heads and going through the budget line by line to explain what that budget is. He further said that after the last budget meeting, David, Mary Kay, Brenda and Paul Fear sat down and made cuts plus looked for justifiable increases in revenues. He explained that Marque Jones has agreed that rather than having a \$4 million income tax revenue, we could anticipate a \$4,050,000 revenue based on current statistics. He said there were several increases in revenue. He explained that they have cut expenses significantly. He

said he did not see a need to go through it line item by line item again. He said the revenue projection was \$7,866,868. He said they trimmed the expenditures to \$7,761,340. He said they balanced to revenue with an excess and will have about a 35% carryover. He said he would like to pass the budget tonight.

Councilman Mead said that they needed some time to digest it and then they could have a special meeting to talk about it.

Mayor Riley suggested that they make a motion and a second to vote on it tonight.

Councilman Wells said that he feels uneasy voting for something that he has not had time to review.

Mayor Riley explained that there were only a handful of items that changed.

A motion was made by Wallace and seconded by McKay to give the first reading only on the ordinance Making Appropriations for Current Expenses and other Expenses and Other Expenditures of the City of Wilmington, Ohio.

President asked for discussion.

Councilman Mead reiterated that he thought it was premature to vote on it tonight.

Councilman Siebenaller said that he has the concerns as mentioned before in the Finance Committee meeting about the Water Department and the costs that are going there. He said that Chairman Wallace announced that they would be looking at that after the first of the year based on updated information. He said that he thought an 18-month insurance cycle to get the insurance plan in line with the budgeting process was very important. He said that he was looking at a 2014 budget that was budgeted to revenue and was surprised to see the one that was placed in front of them. He added that a 12-month budget with the reduced expenditures is something he would support.

Councilman Stuckert said that the information looked very good but he needed to verify the figures. He said that he would not be in favor of acting on it tonight.

Mayor Riley said that the Auditor and the Treasurer, who are the finance experts in the city, have done all of the verification.

Paul Fear said that in Finance Committee they went through item by item the six categories of revenue increases and no one appeared to have a question. He said that they increased the income tax from \$4 million to \$4,050,000. He explained that there would be additions to interest income because of investing. He said they backed out the new hire salaries for the Police and Fire, including benefits. He said they backed out a cruiser, which they talked about putting back in as they get additional revenues for the year. He said they added \$75,000 as a refund from MVRMA. He said he would be happy to answer any specific questions.

Councilman Stuckert said he needed time to look at it to see if he had any specific questions. He said that he was pushing back because he did not think it was appropriate to ask them to vote on such an important piece of legislation without ample time to review the changes that were made. He said they feel good about the budget document, but the push to vote on it was making him uneasy. He said that he needed more time.

Councilman Wells said that a line was added for the gaming revenue but it had not been passed yet. He said that if the state passes proposed legislation on the games of skill, it will reduce the payout. He said he thought it would put them out of the business if the city institutes a tax on their business.

Paul Fear said that it went to Judiciary Committee in July and it was still stuck in committee. He said that the state legislation was not planning on taking money away from communities that already had ordinances in place. He said that the delay is costing the city money.

Mayor Riley said that in speaking with the owner of Lucky You, it is clear that he has expected to pay for that from day one. He said they are amazed that we have not started instituting a charge for their games.

Councilman Siebenaller asked if we could do the first reading tonight and then do a second and third at special meetings after they have time to look over the budget.

President Kirchner said he would offer to council that he had put both budgets into spreadsheets for analysis. He said one of the concerns he had was that there are disparities between the numbers in the budget that was handed to the Finance Committee at 6:15 and the one that given out in council. He said there was a cost allocation item that did not appear in the worksheet. He said they should take some time and review the numbers and discover the mechanisms by which the administration was able to achieve the balanced budget.

Councilman McKay reminded the President of Council that he had called for the first reading.

Seeing no more discussion, President called for a roll call vote.

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

Motion passed

Director of Law read ordinance by title only.

Councilman Wallace asked that the second reading be done at the next special meeting of council.

[Discussion of the date and time of the next special council meeting]

A special meeting was called for Wednesday, December 26, at 5 p.m.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Wells announced that Steve Taylor from Santech was in the audience and asked if he would like to speak.

Steve Taylor wished everyone Merry Christmas and Happy Holidays.

Wastewater/Sewer Committee - Chairperson Stuckert introduced an ordinance amending the Sewer Rates. He explained that they had paid off a bond, which was going to allow them to eliminate planned rate increases. He said that they had been postponed for several years. He said they would like to eliminate them altogether.

A motion was made by Stuckert and seconded by Wells to give the first reading only on the ordinance Amending Chapter 923, Sewer Rates, of the Codified Ordinances of the City of Wilmington and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes;

Wallace, yes; Mead, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5072 passed as read.

Judiciary Committee - Chairperson Stuckert said that he would like to have the second reading on a resolution in support of a contract with CCA for income tax collection services and authorizing the mayor to enter into that contract. He explained that it was aimed and people who live in the area who are not currently paying income tax.

A motion was made by Stuckert and seconded by Wells to give the second reading only on A Resolution in Support of a Program with the Central Collection Agency (CCA) of Cleveland for Income Tax Collection and to Authorize the Mayor to Enter into a Contract with CCA.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

Stuckert requested that the third reading be on the agenda for the next regular council meeting.

Councilman Stuckert said that his next item was the second reading on a resolution involving the amendments in the agreement with Clinton County Regional Planning Commission. He explained that it would not change the City's relationship with Regional Planning but it was necessary for the City to sign off on the agreement.

A motion was made by Stuckert and seconded by Wells to give the first reading only on a resolution Authorizing the Mayor to Enter Into and Execute a Certain Resolution of the Clinton County Board of Commissioners Regarding the Clinton County Regional Planning Commission and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

Stuckert requested that the third reading be on the agenda for the next regular council meeting.

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay announced that there were four shopping days left until Christmas and hoped that people would do their shopping downtown.

Parks and Recreation Committee – Chairperson Jaehnig said that the Parks have been operating on a shoestring and he wanted to share the needs of the Parks for 2013. He said that Lori Williams provided him a list. The list included: \$1000 - Front basketball courts reseal and restripe; \$5000 – Center Basketball Court; \$2500 – David Williams concession stand repairs; Concrete in dugouts; \$6000 – Field excavation and drainage; \$12,000 – Two tennis courts redone; \$1750 - Ball diamond dirt needed; \$1500 – Horseshoe pit rehab; \$1000 – Horseshoe building; \$1800 - Sand and staining of the shelters; \$10,000 – New roof on shelter house; \$3500 – Stain and seal wooden playground; \$2800 – Sand for the volleyball courts; \$2000 - Rehab bridge; \$600 - Backstop for the rotary field (safety concern); \$4100 – Fence around the Kiwanis Field; \$3000 – Stone for the pond; \$4000 – Parking by the pond; \$8000 – Parking by the wooden playground; \$2000 - Galvin Park basketball court resurfacing; \$500 - Tie down fences; \$1200 - Plumbing issues in one of the original bathrooms. He said the Parks have great needs but have been doing great with the money they have. In the holiday spirit, maybe some groups or organizations who want to make the Parks their project for 2013 or maybe someone would want a tax deduction for 2012 and could make an end-of-the-year donation.

Councilman Stuckert added his endorsement and wanted the city to brainstorm and come up with some ideas. He said the Parks have led the way in showing how to do things on a cut budget. He said sweat equity needs to be considered to get some things done. He

said he believed the community could merge the funds from the levy that are used to pay for the park with the extra money donations in order to get things out in the park.

Paul Hunter said the Parks are doing their part by instituting pay to play in order to generate more funds. He said they are doing all they can do and that is why he mentioned the bed tax as a way to help them in their effort.

Councilman Stuckert said that the mayor rightfully pointed out that the parks are a money-maker for a municipality. He said in order for them to be successful, they need the money to maintain first-class nature of the facilities.

Councilman McKay said that Parks are one of the first things a company looks to when they are looking at quality of life issues. He asked how he would make a tax deductible donation.

Lori Williams explained that the Parks and Recreation Organization is a qualified tax deductible organization. She said that donations could be made to the City of Wilmington Parks Department.

Councilman Wallace reiterated that the CCCVB helps to raise more money for the local businesses than \$14,000. He said he did not want to lose sight of what the organization does for the city. He also said that he believe his family would like to take on one of the needed projects out at the Parks.

Councilman Jaehnig clarified that the money that was going to the CCCVB was not found money, it was earned through a lot of hard work in attracting entities into the area. He said that the amount differed from the budgeted amount for 2012 because they did a very good job of attracting additional tourism. Paul Hunter said that part of it was because of one of the hotels paying some back taxes. Councilman Jaehnig said that he appreciated Mr. Hunter's passion and did not disagree with him, but he wanted to make sure the statements being made were fair.

Mayor Riley said that he served on the CCCVB Board in the past and they do wonderful job promoting Clinton County and Wilmington. He said that one of the things that people tend to want to do when things are economically difficult is make sure their children participate in athletic programs. He said he would be willing to meet with the CCCVB and see how we can partner with them, because when the parks bring athletic events into the city, that fills the beds in the hotels. The two are closely related. He reiterated that Brian Shidaker would be looking at the legislation that was passed in 1997 and see what the options are.

David Hockaday said The Port Authority has been very successful in the automobile events that they have had at the Air Park and will continue to have more in 2013. He said that some of the increase in revenue for the hotels has been directly related to those activities. He said that when people come to the community for such events, they always comment on what a good place it is to visit and how welcoming everyone is. He said that it is an additional revenue stream for the city that should continue. Mayor Riley said he appreciated all of the work by the Port Authority. David Hockaday said they are continuing to work with Debbie Stamper at the Convention and Visitors' Bureau to make sure they maximize their resources as they continue to draw these types of events.

President Kirchner said that he would be willing to work on the concession stand. He added that we need to keep it in front of people to keep the community motivated toward helping with the projects. He said that Lori Williams was doing a great job at the parks and said that the CCCVB also does a great job in attracting tourism to the community. He said that we should support both.

Paul Hunter said that the city was getting more bang for the buck than they had ever gotten before.

Councilman McKay asked that the list of projects be given to Brenda for distribution.

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

Service Director - Service Director Reinsmith reminded council that a storm should be moving through during the night so everyone should be cautious on their way to work as the streets may be slippery. He added that the winds might be bad.

Councilman Wells asked if there was any change in getting the streets finished in Timber Glen.

Service Director Reinsmith said they are still working on getting the land purchased. Once an owner is established, they can work on getting the area cleaned up.

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

Reports

Councilman Wells asked that the reports be discussed.

Mayor Riley said that the beginning balance and ending balance were the items that were interesting to track in terms of carryover.

Councilman Wells asked what the Caesar Creek water project is on the report.

Mayor Riley said that it had been hanging out there for many years and suggested Mr. Hockaday might have insight into it.

David Hockaday said it was the residual amount of money that was in the account for the Caesar Creek intake structure and the water line coming into town. He said the city pre-paid expenses prior to getting the grant. He said because the items were pre-paid, they were disqualified for reimbursement from the federal government. He explained that the money stayed in our account and has been a carryover for EDA economic development. He said the money has been used a few times for economic development in the community. He said they do not want the money back, but we just carry it on our books until such time as we can use it for economic development.

Councilman Wells asked if economic development was the only thing it could be used for. David Hockaday said that it was. Councilman Wells asked if the Parks qualify as economic development. David Hockaday suggested that they ask legal counsel, but added that the expenditures have to be approved by EDA's central office in Chicago.

[Discussion of process and uses of economic development funds]

A motion was made by Wells and seconded by McKay that the Auditor-Treasurer Report – November 2012, be accepted as presented.

Motion passed.

Reports accepted as presented.

President Kirchner opened the meeting up to the general public and/or members of council to address council while in session.

Councilman Wells asked Paul Fear if the budget that was handed to them was a balanced budget.

Paul Fear said that it shows plus \$105. He said they did everything they could to balance the budget.

Councilman Wells added that the only thing is it has things that had not yet been passed.

Paul Fear said that there was \$11,000 in it that had not been passed by council yet.

Councilman Wells asked for clarification on whether or not Mike Wallace had made a motion for a second reading. Brian Shidaker said he did not make a motion for a second

reading, he asked that it be placed on the agenda for a second reading at the next special council meeting. Councilman Wells asked if that needed to be done by the chair of the Finance Committee. Brian Shidaker said that any member of council could ask for the second reading to be on the agenda.

President Kirchner asked if anyone else wished to address council while in session and wished everyone a Merry Christmas.

Seeing no one else who wished to speak, President Kirchner asked for a motion to adjourn.

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

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk