

Wilmington City Council met on Thursday, January 17, 2013, 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:

A motion was made by Wells and seconded by Stuckert to approve the minutes of the regular meeting, December 6, as presented.

Motion passed.

Minutes approved as presented.

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

Motion passed.

Minutes approved as presented.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the regular meeting, December 20, as presented.

Motion passed.

Minutes approved as presented.

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

Motion passed.

Minutes approved as presented.

President Kirchner presented the committee assignments for 2013. He explained that the only change was Councilman Siebenaller would now be chair of the Judiciary Committee and Councilman Stuckert would now sit as a regular member of that committee.

A motion was made by Mead and seconded by McKay that the council committee assignments be accepted as presented.

Motion passed.

Committee Assignments accepted as presented.

President Kirchner said he received a letter from the Law Director indicating that the city is required to confirm the appointment of Laura Railing, the Assistant Director of Law, who acts as the City Prosecutor. He asked for a motion to confirm.

A motion was made by Siebenaller a seconded by Stuckert to approve the appointment by the Law Director of Laura Railing as the Assistant Law Director.

Motion passed.

Appointment of Laura Railing, Assistant Law Director, confirmed.

President Kirchner announced that Debbie Stamper from the Convention and Visitor's Bureau would not be presenting at the meeting as indicated on the agenda. Her presentation will be at the next council meeting.

President Kirchner said the Bill Bradish of Palmer Energy forwarded to him the final numbers on the electric aggregation. A total of 3,027 accounts will be enrolled in the city's aggregation program. He said there was about a 2.5% opt-out percentage. He thanked council for all of their work on the electric aggregation.

Mayor - Mayor Riley said that even though Debbie Stamper was not there to present, the new Visitor's Guides are out and there are copies available at the meeting. He congratulated Debbie Stamper and her board for putting the guide together. He encouraged businesses to keep copies of the guide for customers to look at.

The Mayor presented the State of City Address:

Mr. President, Members of Council, my fellow elected officials, guests, fellow citizens and friends:

I will repeat what I said last year. That is, "I am boldly and defiantly an optimist. It may be as a result of my upbringing; my Christian heritage or the fact that for many years I was a card-carrying member of the Wilmington Optimist Club. Whatever the reason, I have always been a 'glass-half-full' kind of guy. I know that there are a lot of really bad things out there in the world. I've experienced many of them, but... I have always refused to dwell on the negative."

That quote is exactly what I said last year, and I still contend that dwelling on the negative is not in my nature. That is not how I have conducted myself and at this point in my life I am certainly not going to change from being an optimist to dwelling on the shadowy, darker side of life.

Certainly, there are ongoing problems that need to be dealt with; there are always going to be problems we need to address. Being optimistic does not mean that you only view the world through rose-colored glasses. Maybe I should refer to myself as a pragmatic-optimist. Our situation must be viewed in a realistic light. Indeed, not everything is always pleasant, bright and rosy, but we do have the means to deal with and improve the circumstances that surround us.

History has shown that our national economy has always rebounded. We must be prepared for that rebound. We must have our infrastructure ready to provide the utilities needed for expansion – when the expansion happens... and, friends, it is going to happen.

This community, this city, is blessed with dedicated, hardworking citizens. This city has highly dedicated employees who strive daily to give their all to the city. They look at the big picture. They do not dwell on the past. They prepare for the future. This city must be ready for the national and state economy to rebound.

Just as I have said in the past, with the departure of DHL, we could easily be considered the point of the spear in this current recession. My goal is to keep the city ready so that when the economy begins to rebound, we might be the phoenix rising from the ashes of the recession that has plagued us for the past four years. We, the entire community need to stay ready, because I am convinced that better times are ahead.

The light at the end of the tunnel is growing brighter. When reviewing the economic development opportunities that are right on the brink of implementation, right here in Wilmington, I have counted nearly 1,000 new jobs that could be here before the end of this year.

This city must continue to provide the services that are wanted, needed and deserved by the residents and businesses of the City of Wilmington.

We cannot stumble at the gate of recovery, we must be ready to respond positively and enthusiastically when opportunities are presented.

One year ago, County Commissioner Mike Curry and I co-convened a group of community leaders who have been charged with the task of economic development. This Economic Development Work Group has met throughout the year to share ideas, plans and opportunities. We now have a system where barriers to effective communication about economic development have all but disappeared.

We now approach economic development from a host of positions: city, county, Port Authority, chamber of commerce, food technology, regional planning and tourism. Great strides have been made in communication and collaboration to assure that opportunities are not lost. We need to keep the spotlight on our city.

This, the season following Christmas, is known as the season of Epiphany. It is marked in many area churches by the lighting of candles; by emphasizing that there is light in the world. During the season of Epiphany, we are taught that even a small light can overcome a huge amount of darkness.

On a visit to Mammoth Caves several years ago, our guide asked us to extinguish all of our flashlights. Once all of our flashlights were off, she turned off all the electrical lights that had illuminated the large cavern. The darkness was total. It was so dark you could almost feel the darkness on your skin. She spoke about the effects of absolute darkness in the cave. Then, she lit one very, very small light. It was a mini-light, but the effect was staggering. We could once again see one another. With that tiny light, we could have found our way out of the darkness.

One June, many years ago, we were at a very remote scuba diving resort in the southern islands of The Bahamas. It was beautiful, remote and rustic. The only electrical lighting there was came from a gas-powered generator. It was only used to provide lighting at the main building and the guest rooms.

The name of the resort was Stella Maris – Star of the Sea. The stars in the night sky, as seen from that remote island; especially, when you were away from the inn; especially, when you were completely away from all ambient light, were staggering in their beauty and clarity.

The Milky Way looked like a huge silver cloud in the moonless night sky. One night, as we walked, it dawned on me that it was indeed a moonless night, yet the light from those millions – no, billions of stars actually lit up the darkness of the night enough to cast our shadows on the roadway.

Whether it's one tiny light in a huge dark cavern, or billions of stars casting their light from across trillions of miles of space, light can be brought into the darkness. The darkness cannot win over light.

Working together, all of us – every member of this community; bringing our energy, ideas and enthusiasm to the fore will bring prosperity back to this community. We will be the phoenix rising from the ashes of this recession. Our efforts can indeed light up this community.

My goal for economic development and recovery in Wilmington this year is not merely to survive, but it is to prosper.

We want to see at least 750 new jobs added to the community workforce this year. In the front window of this municipal building, we are going to put a up graphic display to monitor our success. Every time we have an

announcement of job creation or job growth; we will chart that success graphically.

Entrepreneur Jim Rohn is quoted as saying, *“An enterprising person is one who comes across a pile of scrap metal and sees the making of a wonderful sculpture. An enterprising person is one who drives through an old decrepit part of town and sees a new housing development. An enterprising person is one who sees opportunity in all areas of life.”*

We have some great people, some enterprising people, working locally on economic recovery, and we will succeed. Yes, with this entire community pulling together, we will succeed.

Thank you all. God Bless You and God Bless the City of Wilmington.

[Applause]

Mayor Riley asked that everyone keep an eye on the front window for the upcoming jobs display. He then reminded everyone that the Joint Governmental Use Office was now on the first floor of the Municipal Building and introduced Adam Rapien, Field Representative for Congressman Steve Stivers.

Adam Rapien, Field Representative for Congressman Steve Stivers. He said he would be covering six of the twelve counties in the district. He described the district as suburbs of Columbus, southwest to Clinton County, southeast to Athens. Franklin, Madison, Pickaway, Clinton, Ross and Fayette will all be part of his territory. He said that Sheri Stuckert would be employed in the office full-time. He also said that Grant Shaeffer would be covering the office on days that he was in central Ohio. He said that they had spoken to Portman’s office about using the space as well as Cliff Rossenberger. He said they are excited about serving Clinton County and about having an office in Wilmington.

[Applause]

Adam Rapien announced that they had tentatively set a date for the office’s open house on Friday, February 1.

Mayor Riley announced that the Fire Department had received a grant for \$150,000. He thanked Firefighter Jeff Haines, Chief Andy Mason, and Assistant Chief Mark Wiswell for helping to put the grant together. He said it would be used for cardiac defibrillators.

Mayor Riley announced that the city had decided some time ago to enter into a Class Action suit regarding the chemical atrazine, a weed killer used in agricultural that could have a negative effect on a water supply. He said that they found out that the class action suit has been completed and they City of Wilmington Water Department stands to collect \$181,468.82 for entering into the suit. He said there were over a thousand communities involved in the suit.

Service Director Reinsmith said they should have the check by January 25. He said when they entered the suit, they had to go back and show their test results for the past 10 years. He said it was basically reimbursement to the cities for all of the work they had to do to remove atrazine from their water. He said there was 1068 cities and it touched 38 million people. He said the total settlement was \$105 million dollars from a company called Syngenta out of Switzerland.

Mayor Riley said that he appreciated Jerry Rowlands putting the information together so that the city could get reimbursed for their treatment of atrazine.

Auditor - Auditor David Hollingsworth had no report.

Asset, Acquisition and Use. - Chairperson Bob Mead said that the committee had begun work on the disposition of several small parcels of land in the City of Wilmington. He said over the year they would be pursuing those and cleaning house.

Finance Committee - Chairperson Mead introduced a supplemental appropriations ordinance. He explained that both of the items were housekeeping items.

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.

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 McKay to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 5075 passed as read.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Wells said he was encouraged to see blue bins along the curb and encouraged citizens to keep recycling – it helps the environment and it's the right thing to do.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Stuckert had no report.

Safety Committee - Chairperson Wells introduced a resolution declaring a Transit Department vehicle as surplus – 2004 Crown Victoria. He said it came through Safety Committee because GovDeals is administrated by the Chief of Police.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on a resolution Declaring Surplus Property, To Wit; Taxi Department Vehicle Valued at More Than \$1000, and Authorizing the Sale of Said Vehicle, and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read 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: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, 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: Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. 2310 passed as read.

Councilman Wells introduced legislation accepting grant proceeds from FEMA on behalf of the City of Wilmington Fire Department - \$15,000 that will be used for EMS supplies and cardiac monitors.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on a resolution Accepting Grant Proceeds for the Fire Department from the State of Ohio and the Federal Emergency Management Agency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read 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: 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 Wells and seconded by Jaehnig to pass the resolution as read.

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

Wallace, yes; Mead, yes.

Motion passed.

President of Council declared Res. No. 2311 passed as read.

Downtown Revitalization Committee - Chairperson McKay stated that historically this time of year is one of the slowest times for restaurants and coffee shops. He encouraged everyone to shop, recreate and eat in the downtown area.

Councilman Wells said that he and Bob Mead ate at Buckaroos and attended their recent ribbon cutting. He said it was very good and encouraged citizens to stop in and try it.

Parks and Recreation Committee – Chairperson Jaehnig said that there was a Park Meeting going on at the same time as council – the topic of discussion is the Southeast Neighborhood Park and the revitalization project there. He said they were meeting with the citizens in that neighborhood to set a direction, identify some goals, and put together a plan to make it happen. He said they are able to do many things because of volunteers and encouraged citizens to either volunteer at the park directly or become Friends of the Park. He also thanked the Kiwanis who just gave a donation to help make repairs on the Kiwanis field. He said they already have seven events scheduled for the year. He added that shelter houses could now be reserved online.

Councilman Wells said that he talked to Lori Williams about the Caesar Creek water project money that was previously discussed in council. He asked the mayor to help her with what needs to be done to utilize that money for the parks. Councilman Jaehnig said that he met with Lori Williams earlier in the evening regarding pursuing those funds. Mayor Riley said that he meets with Lori Williams a couple of times a week to discuss issues and opportunities. He said she is phenomenal at looking for opportunities and finding ways of getting things done that sometimes look impossible. He said that she was a great choice by the Parks Board.

Income and Levy Tax Committee – Chairperson Jaehnig had no report and said that his goal was that the committee would not meet this year – no new taxes is the goal.

Service Director - Service Director Reinsmith had no report.

Councilman Wells reported that the last light closest to the alley is out in the mural parking lot.

Service Director Reinsmith said that if you ever notice a light out, you should call Karen at the Service Director's office because that starts a paper trail on the repair. He said it was important to give a good location so they can pinpoint the problem. He explained that DP&L usually fixes the lines during daylight hours, so without a specific location they have to guess whether or not they are fixing the correct pole. He suggested citizens try to either provide a specific house number that the pole sits in front of or that they get the pole number off of the pole.

Councilman Jaehnig asked if the work in front of McDonald's and Kroger is ongoing.

Service Director Reinsmith said it probably was. He explained that there is a water line leak and described the problem. He said they were in the process of tracing the leak and as soon as it is located they will get it fixed.

Mayor Riley asked that everyone be patient and cautious when driving around the work area as it is a very busy section.

Councilman Wallace said there have been several problems recently and appreciated all of the hard work from the employees at the water department.

Safety Director – Safety Director Russ Burton had no report.

#### Reports

A motion was made by Wells and seconded by Stuckert that the following reports be accepted as presented.

- 1) December 2012 Auditor-Treasurer's Report
- 2) Annual 2012 Treasurer's Report
- 3) Statement of Interest Earned
  - a. Second Six Months 2012
  - b. Twelve Months 2012
  - c. Investment Summary
- 4) Income Tax Report December 2012
- 5) Income Tax Report Annual 2012
- 6) 2013 Projected Revenue Report

President of Council asked for discussion.

Seeing none, President of Council called for vote.

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.

Paul Hunter – 200 Randolph Street – He said that there was a Letter to the Editor on the previous day regarding the unsung employees of the city – the waste people, water, non-safety people. He said he thought it was a very nice letter and that everyone should remember that those are the guys that are the backbone of the city's workforce. The police and fire automatically get noted, but the other workers work day-in and day-out to keep the city running. He asked who was the Convention and Visitor's Bureau primary client. He said everyone benefits from the parks activities and that the parks have a significant revenue impact on all of the clients of the CCVB. He suggested it would be a good idea for city council to divert a portion of the bed tax to the cash-poor and deteriorating city parks system. He said that would allow the parks to continue providing a venue for city-wide revenue enhancement. He said if the ball diamonds continue to deteriorate they will not be recruit statewide tournaments that produce significant revenue for the local economy. In this period of economic distress when all sectors of the city are sacrificing, a mere 7% of the Bureau's budget would fix the diamonds for this year and allow upkeep for the parks to continue and following years. The parks are an integral part of the quality of life of the city. We used to be proud of our parks and we should not let them become an embarrassment. We have a dedicated, capable and efficient parks staff working as hard as they can under difficult budget constraints to keep the system operating. He quoted Winston Churchill – "Never have so many, owed so much to so few." Those few people at the parks are doing a heck of a job and we are going to lose a couple of them if we do not give them financial support. He said that council has the full authority to dispense some of that money to the parks if they so decide. He said that elected officials should consider that issue as we come upon the primary elections.

President Kirchner agreed that the city employees do a great job in the background. He said the Law Director was asked to look at the statute governing the bed tax funds.

Law Director Shidaker said that he had looked it over and was hopeful that a compromise could be made between the two without the need for a legal opinion on the matter. He said he was holding off on a legal opinion because he is hopeful they could compromise.

President Kirchner asked if anyone else wished to address council while in session.

Councilman Mead apologized to Auditor David Hollingsworth for what he had said during the budget discussions. He said he had indicated that they did not trust the Auditor. He said that they do trust David Hollingsworth, we have no fear at all that the numbers he presents are true and accurate. He is doing the job he is supposed to do. Never at any time did the finance committee or the people working on the budget from either side feel that he was not presenting accurate numbers or not telling the truth. My word was artificially changed some of the numbers. It was a bad adjective. I am sorry. I apologize to you, Dave, for that word and I want to assure you that we trust the Auditor and his staff. The fact that we don't like part of the budget does not mean that we don't like the Auditor or his numbers. Thanks, Dave. Keep up the good work.

Auditor David Hollingsworth accepted the apology.

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

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

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk