

Wilmington City Council met on Thursday, March 7, 2013, with President Pro Tem McKay presiding.

Call to Order

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

President Kirchner was absent.

Chief Weyand was also present.

A motion was made by Jaehnig and seconded by Wells to excuse the absent members.

Motion passed.

Absent member excused.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

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

President of Council

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, February 21, as presented.

Motion passed.

Minutes approved as presented.

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

Motion passed.

Minutes approved as presented.

Mayor - Mayor Riley recognized that there were two boy scouts in the audience.

Mayor Riley announced that there were members of the Red Cross in the audience and thanked them for work they do. A representative of the Red Cross announced that there would be a Clinton County/Highland County Heroes Breakfast at the Roberts Centre on April 17. The guest speaker will be Daniel Hernandez, Jr., Aide to Representative Gabby Giffords. Hours of program – 7:00 a.m. – 9:30 a.m. Another representative said that the Red Cross is not government funded and is supported by local donations.

Mayor Riley presented a proclamation to members of the Red Cross. The proclamation read as follows:

Whereas, after more than 30 years of providing humanitarian relief at home and abroad, the American Red Cross remains a reflection of the compassion and generosity central to our national identity; and

Whereas, services provided by the American Red Cross include professional search-and-rescue teams and ordinary citizens who deliver compassionate care and hope for a brighter tomorrow; and

Whereas, during American Red Cross Month, we pay tribute to all those whose dedication to relieving human suffering illuminates even our darkest hours; and

Whereas, when called to action, American Red Cross workers have always demonstrated the strength of our humanitarian response and the resilience drawn from individuals who step forward, volunteer, or give what they can to help their neighbors in need; and

Now, therefore, I, Randy Riley, as Mayor of the City of Wilmington, Ohio, do hereby proclaim the month of March 2013 as

AMERICAN RED CROSS MONTH

And I encourage all citizens of Wilmington to observe this month with me by supporting the volunteers, the services and the mission of American Red Cross

The mayor recounted an experience he had as a member of a medical emergency response team in Biloxi, Mississippi. He said they were very happy when the American Red Cross showed up because they offered supplies and other necessary facilities. He thanked the Red Cross members for their service.

Councilman Jaehnig asked if nominations were still being accepted for the Heroes Breakfast, and he was told they were closed.

Mayor Riley announced that they were in the process of making new signs announcing Wilmington High School Senior Josh Quallen's state swimming championship honors. He said he hoped to have Josh Quallen and his family to council to recognize him further.

Mayor Riley presented an article from the Dayton Business Journal in which Dayton was ranked number one in the United States for new and expansion projects for companies. He explained that is great news for Wilmington. He added that Site Selection Magazine touts Dayton as the top market between two hundred thousand and one million residents. He said that any company that wants to locate in the region and serve three metropolitan areas could settle here in Wilmington, Ohio, as we are only an hour away from all three.

Mayor Riley explained that the JETT jobs number had jumped from being in the 20s to over 100. He asked Councilman Jaehnig to speak on this.

Councilman Jaehnig explained that the new number of jobs created was now 105. He said this mostly was due to two new businesses in town that are up and operating now. The first is ATI, a division of ATSG, who closed a division in Arkansas and moved it up here. He said they had some people that would be transferring from the Arkansas division but they would also have new employees from the area. ATI is responsible for creating 80 jobs. He said the second business was Thompson's Donuts. They opened on Tuesday and are located in the former New Morning Donuts location behind UDF. Councilman Jaehnig explained that they started with two employees and it is a family run business. He also pointed out that the owners were members of the audience attending the council meeting.

Mayor Riley said he believes they are going to exceed the 750-jobs goal and said the numbers would be posted in the front windows. He said he also talked with a local company that probably would be expanding to add between 80 and 120 new jobs in the future. He said that just as Wilmington was one of the first areas to be hurt by the recession, we would be at the forefront of the economic recovery. He added that everyone's job in the Wilmington community is economic development.

President Pro Tem thanked Councilman Jaehnig and Mayor Riley for the good positive information.

Auditor - Auditor David Hollingsworth announced that a letter was received from the County Treasurer's office indicating that the city would be receiving approximately \$146,000 in inheritance tax that they have collected through February. He said they are all aware that the inheritance tax was eliminated in 2012, but estates typically have nine months to close, so the city will be collecting money throughout 2013. He explained that this was money that was not factored into the budget.

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

Finance Committee - Chairperson Bob Mead had no report.

Water Committee - In the absence of Chairperson Wallace, Councilman Wells announced that there was no report.

Streets Committee - Chairperson McKay said discussions are in process regarding moving the M&R Department from South Walnut to the Textron facility out on Nelson Avenue. This facility would then house both the M&R Department and the Wastewater Department. He said he believed they would need to put together a special council meeting so the topic could be discussed in-depth so it could become a reality fairly quickly.

Solid Waste/Recycling - Chairperson Wells said that the Committee met at the landfill Tuesday evening. He said they are trying to work on a plan for operating the landfill so they will not have to sell it. He said one of the things discussed was that they did not receive many RFPs from people interested in buying the landfill. Councilman Wells said he would like to have another Solid Waste Recycling meeting next week and would like for Brian Shidaker to attend. He thinks if they work together, they should be able to do what is best for the landfill. He said the recycling program is going well.

Mayor Riley added that when the recycling program began, one of the goals was to hit 5%. He said over 40% of the households are now recycling. Councilman Jaehnig said that the city is doing so well, that it has lifted the county above their goals as well.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller announced the third reading on legislation authorizing a revolving loan fund with the Ohio Development Services Agency.

A motion was made by Siebenaller and seconded by Stuckert to give the third reading only on a resolution Authorizing the Revolving Loan Fund Agreement with the Ohio Development Services Agency.

President Pro Tem called for a vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Siebenaller and seconded by Stuckert to pass the resolution as read.

Motion passed.

President Pro Tem of Council declared Res. No. 2319 passed as read.

Councilman Siebenaller said the next piece of legislation was the third reading on an ordinance updating the definition of a swimming pool in order to make our ordinances more enforceable.

A motion was made by Siebenaller and seconded by Stuckert to give the third reading only on the ordinance Adopting New Section in Chapter 1131 of the City of Wilmington Codified Ordinance Regarding Definition of a Swimming Pool, and Declaring an Emergency.

President Pro Tem called for a vote.

Motion passed

Director of Law read ordinance by title only.

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

Motion passed.

President Pro Tem of Council declared Ord. No. 5078 passed as read.

Councilman Siebenaller introduced the second reading on legislation adopting a citizen participation plan for the CDBG program.

A motion was made by Siebenaller and seconded by Stuckert to give the second reading only on a resolution Authorizing the Adoption of a Citizen Participation Plan for the Ohio Small Cities Community Development block Grant (CDBG) Program.

President Pro Tem called for a vote.

Motion passed.

Director of Law read resolution by title only.

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

Councilman Siebenaller announced that the Judiciary Committee is looking toward having a meeting in the next week to update the codified ordinances and to look at a rezoning. He said they are trying to schedule a meeting on Wednesday.

Clerk Brenda Woods said that the Community Development Block Grant is now being run through the county and the city now has to apply for the money for CDBG projects through the county. She said that Whitaker will not be doing public hearings for the program at the city now because of the changes made by the Ohio Department of Development. She went on to say that the city will be guaranteed project money for the next two years.

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay said last week he mentioned the Murphy Theatre as one of the centers in the downtown. He said he wanted to mention The Crave candy store as another great business in the downtown.

Parks and Recreation Committee – Chairperson Jaehnig said that they had a committee meeting in the past week where they reviewed the Park's request for category one deferred maintenance issues. He said that these issues that need to be taken care of as soon as possible. He said the committee did push it forward by unanimous vote for a special council meeting that should be next week. He said the President of Council was looking at a time. He said the meeting would encompass safety and parks.

Clerk Brenda Woods said that she has the information from the police but does not have the figures from the fire department yet.

Councilman Jaehnig said that it was a good meeting and a very informative presentation by Lori Williams. He added that there was a good article in the paper about the kite day they will be doing at the parks. He said they are doing great things at the parks, especially for children.

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

Service Director - Service Director Reinsmith said that there is a lot of activity in the building department and a lot of inquiries about new businesses coming into town. He said they did the final inspection on a new Subway on the south end of town as well as another potential restaurant.

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

Reports

A motion was made by Wells and seconded by Jaehnig that the Income Tax Report – February 2013 be accepted as presented.

Motion passed.

Reports accepted as presented.

Councilman Jaehnig asked Treasurer Paul Fear if because of the federal delay on filing on taxes, we seen a slow-down in how quickly residents are filing returns. Treasurer Paul Fear said that it has not affected the filings this year and the department was looking good. Auditor David Hollingsworth explained that there has been a delay in people getting their information in to prepare the returns. He said some brokerage firms

got extensions on filing their 1099's and it is affecting how quickly people can file their returns.

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

Judy Vance, 487 N. Clarksville Road – Said she was contacted by the City Income Tax Department as a landlord. She was told she is required to provide the names, addresses and phone numbers of her tenants. She does not feel it is her job to give that information. Marque Jones sent her a copy of the ordinance and that she understood that it had to do with a collection agency that the city was contracting with to recovery funds.

Councilman Jaehnig explained the city had contracted with someone because there are many people who move in and out of the community and do not pay their fair share of taxes.

Ms. Vance said that she did not agree with the method. Councilman Jaehnig asked her for a suggestion to another way of identifying people who had moved into her rentals. She said it was the tenant's responsibility. Jaehnig said it was both the responsibility of the landlord and the tenant. Ms. Vance said that it was a privacy issue and she did not agree with the fine of \$100 if she did not comply. She suggested a first class mass mailing or canvassing, radio ads, and paper ads and suggested contacting the people who do taxes to let people know they have to register with the city. Jaehnig said that if they choose to deliberately keep that information from the city, then the only way to get the information is from the business owner who runs the rental in the city. He said he is confused why that is a privacy issue. She said they used to be able to get it from the post office. She said she does not think it is fair to ask her as a landlord to report people. She said she should not have to do this.

Paul Hunter said it wasn't reporting people, it is just letting the city know who lives where. Ms. Vance maintained it should not be her responsibility. She said what she has done is she has sent a letter to each one of her tenants. She said there are six adults. She knows that two are already complying. She said the others are preparing to comply. She said she feels that is the extent of her responsibility.

Paul Fear explained the best and easiest way to find out if someone is living in the city is when they turn on their water. The City gets the information from the water department and then they know someone is living there who needs to pay taxes. He explained the problem is when the landlords pay the water bill and collect the money from the tenants. In that case, the city has no way of knowing who has moved in. He said if they can't get it from the water department and they can't get it from the landlord, they have no way of knowing who is there. He said then if they work out of the county, their employer doesn't know they need to withhold city taxes. He said that she was correct that the post office is not allowed to provide addresses. He said the reason they passed the ordinance is because the landlord knows who is living in what properties and are asked on an annual basis to give the city the information. He said the reason she just got the letter was because the county real estate treasurer now has the ability to split off properties as of February. Now we can tell one person in the county may get a number of different tax bills for their different locations. There has been sophistication that lets us know who the actual owner of a property is. The further explained that the agency headquartered in Cleveland is not being paid to do normal collection of taxes. Their job is to find the people who are living in your properties who are unknown to the city but who have been filing a tax return for a number of years in the 45177 location. The Cleveland Agency has access to federal IRS information that we do not have. They are paid based on a percentage of what they collect.

Vance said that the water was in her name in both of the houses. Treasurer Fear said that is probably why she got the letter. Vance said that it wasn't fair that she would be fined if she does not comply. Fear said she would not be fined if she just provided the information. She said she told the tenants to contact the City of Wilmington Income Tax and that should be good enough. Auditor David Hollingsworth explained that it doesn't work. He said this is the most logical way to find people who are not complying. She

Councilman Wells said he wanted to thank Paul Hunter on his input regarding the landfill in his letter to the editor.

Councilman Wells said that he put the garbage out last night and someone picked it up – even in the bad weather. He said we have great employees in the city.

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

ATTEST:

Clerk