

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

Call to Order

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, present; Siebenaller, absent (arrived at 7:44 p.m.); McKay, present.

Chief Weyand was also present.

A motion was made by Wells and seconded by Jaehnig to excuse the absent member (Councilman Siebenaller).

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 - President Pro Tem McKay:

A motion was made by Jaehnig and seconded by Stuckert to approve the minutes of the last regular meeting, October 17, as presented.

Motion passed.

Minutes approved as presented.

Mayor - Mayor Riley welcomed Councilman Wells back.

Councilman Wells thanked everyone for their support since his accident and hip replacement.

Mayor Riley presented a proclamation recognizing November as Pancreatic Cancer Awareness month as follows:

WHEREAS, This year, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease; and

WHEREAS, Pancreatic cancer is one of the deadliest cancers. When symptoms first present themselves, it is often too late for an optimistic prognosis. Seventy-three percent of pancreatic cancer patients die within the first year of their diagnosis. Ninety-four percent of pancreatic cancer patients die within the first five years. It is the fourth leading cause of cancer death in the United States.

WHEREAS, There is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, The good health and well-being of the residents of Wilmington, Ohio are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

*NOW, THEREFORE, I, RANDY RILEY, Mayor of the City of Wilmington, Ohio, hereby designate the entire month of November to be **PANCREATIC CANCER AWARENESS MONTH** throughout the City of Wilmington, and ask all citizens to put a Purple Light in their window or wear a piece of purple clothing during this month in honor and recognition of citizens we have lost to this devastating disease.*

Mayor Riley announced that the City of Wilmington received the Healthy Ohio Healthy Community Gold Award for the second year in a row from the Ohio Department of Health.

Mayor Riley announced the deadline for submissions for the City of Wilmington/Wilmington Tree Commission Fall Foliage Photography Contest is Friday, November 15.

Mayor Riley announced that there would be a program at the Veteran's Memorial at Courthouse Square on Monday, November 11 at around 10:30. Veteran's programs are designed to end exactly at 11:00 a.m.

Mayor Riley said that Brett Beatty from ODNR and Bob Thobaben, local naturalist, were at the meeting to discuss the deer population. The deer herd within the City of Wilmington is growing and it is causing difficulties.

Brett Beatty, Wildlife Management Supervisor at District 5 at the Ohio Department of Natural Resources (ODNR) provided a history of hunting in Ohio. He explained that at one time deer were scarce, but now we have a robust deer population. The goal of the division of wildlife is to maintain the number of deer per people, which is done through hunting regulations. The problem with using hunting as a deer management tool is that it is limited within the city limits, for obvious reasons. Bow hunting can be used in relatively close confines of populated areas and still be safe using elevated platforms. The problem in cities is one neighbor might be okay with the amount of deer in their neighborhood, while another one might be frustrated because their plants are being eaten to the ground. You have to strike a balance with the needs of all citizens. He asked for questions.

Mayor Riley – We do not allow hunting within the city, so we would need to change our ordinances to be able to do that. This is just step one to open the discussion.

Bob Thobaben – We have well over 300 deer inside the city limits. They are increasing 5-7% per year. A healthy deer population is about 20-25 per square mile, with 10-15 being ideal. Within the city limits, we have about 80-90 per square mile – About 13 times what it should be.

Brett Beatty described the negative effects of an elevated deer population on the ecosystem. You have to remove more deer from the population than you have births in order to control it. He explained that there are not many natural predators. Currently, 15% of deer die from natural predators, disease and accidents, and 85% are harvested by hunters.

Mayor Riley pointed out that Indian Hill has a good deer program. Beatty added that many cities are implementing hunting programs and each one does it differently. He explained that it is a nationwide issue.

Councilman Wells asked why the State of Ohio doesn't reduce the deer population more. Brett Beatty explained that if every deer hunter killed their potential limit, we would be able to reduce the population considerably. The average deer hunter kills less than their limit.

Paul Hunter asked about contraception to control the herd. Brett Beatty explained that studies have shown that it only effective when the herd is very separated from outside influences, but the City is not like that.

[Discussion of deer population]

Joe Sodini said that he thought the issue of control was important from an agricultural standpoint. Brett Beatty gave an overview of the travel patterns of deer.

Bill Limbacher asked if there was a provision for disposal of the animal. Beatty said that normally the deer belongs to the person who kills it, but some cities send the meat to a

food bank. He also described a program called Hunters and Farmers Feeding the Hungry.

Paul Hunter asked if some cities use professional cullers to clean out the herd. Brett Beatty gave an overview of the process of hiring sharpshooters to take care of the herd. Some cities use the police force.

President Pro Tem McKay suggested the discussion be continued within a Judiciary Committee. Mayor Riley suggested we put together legislation and send it to the Judiciary Committee. Brett Beatty said that it should have an educational component to it, for instance looking into fencing options.

Councilman McKay asked for a list of 4-5 cities of comparable size that have successful programs. Mayor Riley said it needs to be a balanced approach. Rob Jaehnig asked if farmers have more opportunity to remove deer from their property. Beatty explained that if a farmer has current, active damage caused by a deer, he could be eligible for a deer damage permit, which is similar to the sharpshooting permit.

[Discussion of process of deer permits]

Bob Thobaben stated that deer kill more Americans every year than sharks, bears, mountain lions, coyotes and bees and wasps with anaphylactic shock combined. In Clinton County we average between 180 and 210 deer strikes a year. Approximately 20% of them may be within the city limits.

Councilman Jaehnig – Based on the last data we had, the deer strikes in the city are almost nonexistent because we drive slowly. He said we should make sure we have statistics that are relevant to the city. One of the problems is that many of the landowners in Union Township surrounding the city will not allow people to hunt on their property. He added that he was adamantly opposed to deer hunting in the city before, but he was willing to think about the issue.

Mayor Riley said one of his concerns also was the health of the herd because of the density. Beatty said that most of the calls received in the mayor's office are probably regarding property damage, and it is the concerns of the citizens that need to be addressed in the discussion. Riley asked Beatty to forward examples to the mayor's office of communities that have instituted effective deer management.

Mayor Riley distributed a deer management proposal that was put together by Bob Thobaben four years ago to the members of council.

Mayor Riley thanked the city for allowing him to be gone for nearly two weeks when he was in the Ukraine. There will be follow-up about the trip in the newspaper. He emphasized that he personally paid for the trip 100% - not a dime of city money was spent on this. It was funded through his own pocket and the Sister City program in Cincinnati and was a very interesting trip.

Mayor Riley said that Small Business Resource Forum was a good success. Congratulations to Representative Cliff Rosenberger and his Legislative Aide, Ben Webb, for putting it together. It was helpful for several small businesses.

Mayor Riley congratulated Randi Milburn, Marian Miller, Joe Spicer, and Loren Stuckert for their successful elections. He thanked Bill Limbacher for making it an interesting process. In January, almost half of the council will be new.

Councilman Jaehnig said that the new JETT jobs number was 563. There are 10 new jobs from Cole Taylor and 3 from a new physician at CMH. We should have new numbers from TimberTech this year. He added that in the month of October, there were 63 building permits in the County, which is much higher than last year.

Mayor Riley said that while the jobs numbers are encouraging, the support from the state is declining. Governor Kasich vowed that he would balance the State's budget, and he

has done that through eliminating the local government funding sources such as the Local Government Fund and the CAT tax.

Auditor - Auditor David Hollingsworth – If the Finance Committee would want to schedule a work session, we will have budget packets out to council members by the first of next week.

Ad Hoc Committee – In the absence of Chairman Kirchner, Councilman Jaehnig introduced legislation authorizing the mayor to enter into an agreement with Buckeye Energy Brokers for natural gas aggregation services. He said that Paul Hunter had compiled some information and it appears that the electric aggregation program has been successful in saving \$2,000,000 in the community this year.

Paul Hunter asked if there would be two public hearings. Councilman Jaehnig said that tonight they were just doing the first reading and President Kirchner would explain the entire process further at the next meeting. This legislation is necessary in order to start the process of acquiring bids for suppliers.

Paul Hunter said that people should note they should be cautious when signing up for individual contracts because they will face cancellation fees when the aggregation comes into effect.

A motion was made by Jaehnig and seconded by Wallace to give the first reading only on a resolution Authorizing the Mayor to Enter Into An Agreement for Natural Gas Aggregation Services With Buckeye Energy Brokers.
President Pro Tem asked for discussion.

Councilman Siebenaller said that according to the Ohio Consumer Council, the process requires two public hearings. Essentially, it is the same process as electric aggregation: Plan adoption, certification, shopping for the best rate, and notification.

Seeing no further discussion, President Pro Tem called for vote.
Motion passed.
Director of Law read resolution by title only.

Councilman Jaehnig requested that the second reading be placed on the agenda for the next meeting. He also requested that the Clerk of Council confer with the President Kirchner regarding any time constraints that might require both the second and third reading to be placed on the agenda for the next meeting.

Asset, Acquisition and Use. - Chairperson Bob Mead announced that they would be having an Asset, Acquisition and Use Committee meeting on Wednesday of next week at 6 p.m. to discuss purchasing the Dupree property.

Finance Committee - Chairperson Mead introduced legislation making supplemental appropriations: \$750 from the General Fund to Indigent Burial, \$23,379 from Permissive Tax Fund to Street Improvements; \$30,225 from Street M&R Fund to Street Maintenance.

A motion was made by Mead and seconded by Siebenaller to give the first reading only on the ordinance Making Supplemental Appropriations.
President Pro Tem asked for discussion.
Seeing none, President Pro Tem 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: 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 Pro Tem of Council declared Ord. No. 5118 passed as read.

Councilman Mead introduced legislation making supplemental appropriations: From the General Fund to Consultant Services – Building Inspector in the amount of \$2200.

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

President Pro Tem asked for discussion.

Councilman Jaehnig asked Service Director Reinsmith if this amount would get the city through the end of the year.

Service Director Reinsmith replied that he thought this would carry the department through. He said last year they did about \$34,000 in building permit fees, but this year the city is above \$90,000 in building permit fees, which means there have been many more inspections.

Seeing no more discussion, President Pro Tem 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 Pro Tem of Council declared Ord. No. 5119 passed as read.

Councilman Mead introduced legislation making miscellaneous transfers for the police department.

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

President Pro Tem asked for discussion.

Seeing none, President Pro Tem 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: Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, 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: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes;

Wallace, yes; Mead, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5120 passed as read.

Councilman Mead introduced legislation making miscellaneous transfers for the Fire Department and Sanitation Department.

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

President Pro Tem asked for discussion.

Councilman Jaehnig asked for an explanation for the items in the Fire Department which are being transferred into the Communications line.

Fire Chief Mason explained the transfer of money into the communications line item is to upgrade to new radios that the county is buying. These are more rugged portable radios and cost \$18,000.

Seeing no more discussion, President Pro Tem 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: McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, 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: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Motion passed.

President of Pro Tem Council declared Ord. No. 5121 passed as read.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay had no report.

Councilman Wells said that the streets in Timber Glen look great. Everyone is very happy to have them finished after all of these year. Councilman Jaehnig said he has also had many phone calls from Country Oaks regarding their newly finished streets.

Solid Waste/Recycling - Chairperson Wells had no report but said that he noted that Clinton Memorial Hospital did not have a recycling program. He thought maybe it would be a good project for Leadership Clinton. Mayor Riley noted that when he worked there, they had a cardboard bailer by the loading dock.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller had no report.

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay had no report.

Parks and Recreation Committee – Chairperson Jaehnig had no report.

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

Service Director - Service Director Reinsmith had no report.

President Pro Tem McKay asked if he wanted to discuss the bridge. Service Director Reinsmith said that they are continuing to work on it.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Wells and seconded by Stuckert that the Income Tax Report, October 2013, and the Hotel Lodging Tax Report, 3rd Quarter 2013, be accepted as presented.

Motion passed.

Reports accepted as presented.

Councilman Jaehnig asked for a change in the reporting on the Hotel Lodging Tax. He would like the report to include comparison of previous amounts.

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

Councilman Mead said councilmembers received a letter stating that the contracts for the safety personnel had been completed and that if council took no action within a certain amount of days, the contract would automatically go into effect, just as the previous one had. On the previous contract, the gentleman came up and explained to us that they hadn't completed it yet. They were part-way through it and they would come back to us when it was finished and we would know where to go from there. Now it appears as though we have approved one contract and they are saying if we don't take action on this one, it will be approved. We don't know yet how much it is going to cost or where the money is going to come from. We are not rejecting our safety departments – we love our safety departments, it's just that I think we would not be doing the city a favor if we accepted contracts for which we do not know the cost and we don't know where it is going to come from. He asked the Law Director for an explanation of the process.

Law Director Shidaker – As you know, I didn't participate in the negotiations; we had another attorney do that. My understanding from the law, once they reach an agreement and that is presented to the council, the council may reject the agreement by three-fifths of a vote. There is a deadline, but I don't know what the date is. The council has a right to reject it by three-fifths of the vote. The membership of the Union also has the right to reject it by three-fifths of the vote. If neither party rejects it, then it goes into effect.

Councilman Mead wanted to know what his options are. Law Director Shidaker said council can reject it, but he doesn't know the date it will go into effect.

Councilman Siebenaller asked how the agreement was supposed to be presented to council.

Law Director Shidaker – The contract and the recommendations are supposed to be presented to the council. On the other side, the contract and the recommendations are presented to the union. You were supposed to have an opportunity to review that and then reject within the timeframe.

Councilman Mead said the thirty days is almost over and if they do nothing that means they will accept the contract.

Mayor Riley said the contract did not change significantly. There are no new salary changes. I don't recall the detail, but there are no increases. There will be a salary reopener starting in January where they will look at just the salary.

Chief Weyand – We changed the flashlight policy, the way compensatory time is accumulated, we changed the current rate of pay to remove some inconsistencies in payout method.

Councilman Mead said the according to the way the contract was explained, in 2015 all of the raises and steps for the employees would be caught up.

Mayor Riley said that would be part of the reopener. If everything works out, hopefully we should be able to get all city employees back in their pay grid and back on their pay scale by 2015. It is certainly a step of faith that we will be able to get that done. Obviously, if the money is just not there to do it, we will have to renegotiate the contract at that time. That is absolutely our goal.

Councilman Mead clarified that the current obligation does not include salary increases at this time.

Mayor Riley – It includes looking at salaries every year, but there have been no numbers set out for salary increases. I have always been adamant, Bob, that whatever is good for the Union, is good for the non-Union. If the Union employees get a percentage increase

where they get put back in their steps, we have to do that for every employee in the City of Wilmington.

Councilman Mead – that was part of my big concern is that it is not just one group or another group – it's everybody.

President Pro Tem McKay – If you have questions, could you talk to the Law Director and the Mayor and then if it is necessary, we could have a special session before this time period elapses.

Councilman Mead – If there are no increases in what we are approving, then I don't know that there is a problem. It's just when we get a letter like this saying that we've approved a contract and we're getting ready to approve another one, it causes concern if we don't know where the money comes from.

Councilman Siebenaller – When did we approve the other contract?

Law Director Shidaker – Let me read this to you, Brian. "If neither rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution and the bargaining agreement shall be executed between the parties."

Councilman Siebenaller – I understand that part of it. My concern is I was not aware there was a ticking clock at that time.

Councilman Jaehnig – The last time the representative was in and talked to us, we only had one outstanding contract, which was the Sergeants. Basically, the others had been agreed to. The Sergeant's one would be similar to the two others that were in agreement. I agree with the fact that we didn't get an update before we received that letter. That would have been helpful. At that time, they did explain the direction that we were going and how it was to work. I do agree that a quick update would have been helpful in clarification and making sure we are all on the same page.

Councilman Mead – My understanding was they would come back and tell us when it was complete so we could review it.

Councilman Stuckert – There was no clear indication at any time that the clock was ticking on our approving anything. There is no mechanism to bring it to us with the full understanding that the clock is ticking. That is a lapse in our methodology.

Councilman Siebenaller suggested that they could do a review of the contracts in Judiciary before the end of the year to discuss the process. President Pro Tem McKay verified that the councilmembers were okay with following this procedure and not attempting to schedule another session to discuss this.

Councilman Jaehnig announced that it is HoliDazzle time. We are in the process of taking applications for parade entries. The website is www.hometownholidazzle.com. There are still openings. This year they will be doing something new and different through a company called Wham City Lights. There will be an app you can put on your phone. On the night of HoliDazzle, we will ask that everyone download this app. Then over the loud speakers on the Murphy Block and the Courthouse block, we will play a tone, which will synchronize your phone with all of the other phones in the area, up to 2800 phones. Music will play over the speakers and the phones will flash and turn colors with the music. The audience will have a chance to be a part of HoliDazzle and the show that is going on. We should have a lot of fun with it.

Helen Dunlap – 2002 Prairie Road. My sister and I own property in Wilmington and we have some concerns about how the Water Department handles rental properties with regard to the billing issues. Many times a renter will move out of your property leaving the landowner with a huge bill, and the landowner is responsible for paying those. Once that is paid, that same renter can move back into Wilmington at a different address and get water in their name again, only to leave that property a few months later and stiff that landlord. We would like to see some changes. Maybe the water department could take a

deposit when somebody signs up for water. If they are up to date currently when they leave, they get that deposit back. I think it's time everybody is held responsible. There are some people who are taking advantage of the system, and it's up to the landlord to pay the bill.

President Pro Tem McKay – We had this discussion a couple of months ago. I'll let Councilman Wallace, the Chairman of the Water Department given an answer.

Councilman Wallace- I would say every two years this has come up pretty regularly during my ten years on council. We keep looking at taking a deposit from renters, and somehow that ends up not being a good way for us and the way we try to handle things. We certainly are receptive. Some of us sitting up here are property owners and rent out and get stuck the same way you're discussing right now. As we have taken a look at this thing, we understand that obviously it's not perfect. We have also looked at the way other communities do things. It's tough for us to try to shorten that time frame down. We've looked at the length of the billing cycle to try to keep the bill as small as we can as well. We've looked at a lot of different things. It's obviously not perfect, but it's the best way we think we can do it at this point in time.

Helen Dunlap – Could these people be flagged so if they owe money when they left, they don't get water in their name again?

Service Director Reinsmith – If they have a debt, then they can't sign up again.

Helen Dunlap – But they do. Because the landlord has paid their debt.

Terry Hudson – We have several properties in Wilmington. Right now, we have very good renters. However, my problem is, they let it go two or three months before we're even notified that it's delinquent. That renter is gone. We pay the bill, then that same renter breezes back into Wilmington because we paid the bill, and it's another landlord's problem. They need to be flagged somehow. I think 30 days, let them get behind, if they're behind 30 days, notify the landlord.

[Discussion of utility billing procedures]

Helen Dunlap asked if there was a way to flag names at the water department so the landlord can call in and find out that the renters were previously delinquent and the landlord had to pay the bill for them.

The mayor suggested a meeting between Ms. Dunlap, Mike Wallace, Jerry Rowlands, Barb McVey and himself to discuss the issue further. He asked her to call into the office to set something up.

President Pro Tem McKay asked if anyone else wished to address council while in session.

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

A motion was made by Wells to adjourn.

Motion passed.

President Pro Tem declared council adjourned.

ATTEST:

President of Council

Clerk