

Wilmington City Council met on Thursday, June 5, 2014, at 7:30 p.m. with President Cindy Peterson presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, present; Mead, present; Miller, present; Milburn, present; McKay, present.

Chief Weyand was also present.

A moment of silence was observed.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President of Council - President Peterson:

A motion was made by Jaehnig and seconded by McKay to approve the minutes of the last regular meeting, May 15, as presented.

Motion passed. All yeas.

Minutes approved as presented.

President Peterson – The Ad Hoc Committee meeting met and the topic of prayer or a moment of silence at the beginning of council meetings was discussed. A decision was made to go forward with a moment of silence.

Councilman Mead – A moment of silence does not do what was intended. I would be in favor of a short prayer by a chaplain.

Councilman Stuckert – I agree with Councilman Mead. Can additional discussion be held on the matter?

President Peterson – I am committed to reopening the discussion in Ad Hoc Committee toward the end of the year.

Councilwoman Miller – I believe in the power of prayer, but believe it should be separate. I think it might open the door to platforms. Also, biblically speaking, there is scripture about praying in private and I support that. I am most comfortable with a moment of silence.

President Peterson – There were many comments from members of the community at the Ad Hoc Committee. It was determined that a moment of silence was the most inclusive and least intrusive option. We will reopen the discussion at the end of the year and see if the committee and the community continue to have that feeling.

Mayor - Mayor Riley – The Clinton County Homeless Shelter is having a meet and greet luncheon on June 18 from 11:30 to 12:30. On the 19th, there is going to be a Poker Run and after party to benefit the homeless shelter. I believe the Eagles are putting this together for them.

Mayor Riley – There will be fireworks on the 4th of July but there may not be much entertainment prior to that. The Friends of the Park assisted tremendously with fundraising so it will be the same level of fireworks that we have had in the past. The fireworks should start at dark – at around 9:45. I appreciate all the community support.

Mayor Riley – The Senior Citizens will be having another picnic lunch on June 27 from 11:00 – 1:00 p.m. For \$10 you can eat it there or take it out. The money is important because they have had to cut the Meals-On-Wheels program and this fundraiser pays for meals for people who need them.

Mayor Riley – President Peterson and I visited Polaris yesterday. They have been in business for almost a year now. Things are going well. They have opportunities for expansion and are growing the business. They are excited to be here. The company is 60 years old. They started with snowmobiles and now make ATVs and UTVs. On June 21, they are planning on having a 60th Anniversary Open House. I encourage you to join our friends at Polaris. They are in Building 10. The community is welcome from 1:00 to 3:00 p.m.

Paul Hunter – The summer lunch program is taking place at the Middle School. All Wilmington residents from 0-18 can eat for free at the Middle School at noon throughout the summer. It is \$2 for adult. We need to support this so they will continue.

Mayor Riley – I appreciate the school and Sodexo putting on the program for the community.

Mayor Riley requested that council go into executive session per Ohio Revised Code 121.22(G)(4).

Councilman Jaehnig pointed out that council would return into regular session after the executive session.

Mayor Riley asked that Deputy Auditor Mary Kay Vance, Human Resources Director Danny Mongold, and Treasurer Paul Fear stay for the executive session.

A motion was made by McKay and seconded by Jaehnig to go into executive session per ORC 121.22(G)(4) – Collective bargaining discussions.

Motion passed. All yeas.

Council went into executive session at 7:41 p.m.

[EXECUTIVE SESSION]

A motion was made by Miller and seconded by Mead to come out of executive session and return to regular council session.

Motion passed. All yeas.

Council returned to regular session at 8:24 p.m.

A motion was made by Miller and seconded by Jaehnig to take a short recess.

Motion passed.

Council recessed at 8:25 p.m.

President Peterson called the meeting back into order at 8:29 p.m.

President Peterson announced that there would be a Special Council meeting on Thursday, June 12, at 6:30 p.m. to discuss collective bargaining issues.

Auditor - Auditor David Hollingsworth had no report.

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

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Jaehnig introduced a resolution accepting grant funds for the Sanitation Department and asked for three readings. The grant is for \$127,000, with a match of \$63,000, total revenue being \$190,000. This will allow the city to start offering a commercial recycling program. I give the Solid Waste Department kudos for going after these grants. I applaud the Finance Committee to figuring out how to finance this. We are on a timeline so it needs to be done in three readings.

A motion was made by Jaehnig and seconded by Mead to give the first reading only on a resolution Accepting Grant Funds for the Sanitation Department from the Ohio Environmental Protection Agency (OEPA) and Declaring an Emergency.

Seeing no further discussion, President called for vote.

Motion passed.

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; Mead, yes; Miller yes; Milburn, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Res. No. 2363 passed as read.

Councilman Jaehnig – The administration will be providing more information as the program is phased in.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig presented the second and third readings on legislation defining games of skill.

A motion was made by Jaehnig and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance Adopting New Section in Chapter 1131 of the City of Wilmington Codified Ordinance Regarding Definition of Games of Skill, and Declaring an Emergency.

Roll call: Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the ordinance by title only.

A motion was made by Jaehnig and seconded by Milburn to pass the ordinance as read.

Roll call: Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. 5159 passed as read.

Councilman Jaehnig - At this point, the Treasurer's office will be taking the lead on notification and setting up the proper procedures and methods of notifying those locations that are affected and how to move forward in tracking.

Safety Committee - Chairperson Spicer had no report.

Finance Committee - Chairperson Miller introduced a supplemental appropriation to move estate proceeds that were left to the fire department to a line from which they could be spent.

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

Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes.

Motion passed.

President of Council declared Ord. No. 5160 passed as read.

Councilwoman Miller introduced legislation refinancing notes. She explained that the city had three notes: We owed \$302,000 on Davids Drive, \$100,000 on Lowes Drive, and \$300,000 on the landfill. Last year, we allotted in our budget \$100,000 to pay on this. We've decided to pay-off the landfill with money from the Enterprise Fund and then divide the \$100,000 over the two remaining notes for Davids and Lowes. Then, in addition to that, we are going to finance the expansion at the landfill. If we spend all of what we have, we will not have enough in operating costs at the landfill. The development of the expansion is further ahead than our revenues, so we need to finance it.

A motion was made by Miller and seconded by McKay to give the first reading only on the ordinance Providing for the Issuance and Sale of Various Purpose Notes in the Aggregate Principal Amount of \$302,500, in Anticipation of the Issuance of Bonds, for the Purpose of Discharging at Maturity Notes Heretofore Issued to Pay Part of the Costs of Constructing (I) Lowes Road and Related Improvements, and (II) an Extension to Davids Drive, and Paying Related Lawful Costs, and Declaring an Emergency. Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Councilwoman Miller asked Bond Counsel Margaret Comey if it was okay to do the second and third reading at the next meeting. Margaret Comey said that would be fine and said that she was there to answer any questions if needed.

Miller requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Miller introduced legislation for the issuance and sale of notes in the amount of \$700,000 for the landfill expansion.

A motion was made by Miller and seconded by McKay to give the first reading only on the ordinance Providing for the Issuance and Sale of Notes in the Aggregate Principal Amount of \$700,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying Part of the Cost of Constructing Additional Vertical Expansion to the City's Landfill Facility, and Paying Related Lawful Costs, and Declaring an Emergency. Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Miller requested that the second and third reading be on the Agenda for the next meeting.

Councilwoman Miller – The first item for review under the LEAP Audit provided by the state were recommendations to the Police and Fire Departments.

Mayor Riley - On the summary of recommendations, there were several that were not applicable. Tonight's review is of Recommendation 9 and Recommendation 10. Recommendation 9 has to do with reducing the fire apparatus fleet size. They say it will save \$50,000 annually. I don't see it. I've asked Chief Mason to talk about this.

Chief Andy Mason – In 2008, we signed up with Rosenbauer to buy two trucks, which will be paid off in ten years. This accounts for the \$57,000 talked about in the LEAP audit, because our payment is \$57,000 a year. It shows up as a lease simply because that is how it was listed. Currently we are only occupying the one fire station downtown. We do have reserve equipment sitting at the Rombach Avenue station. This equipment is there in case we need it and to allow us to rotate vehicles out in order to keep mileage down and perform necessary maintenance. We even lease one truck out. We have brought in about \$50,000 over the last two years in leasing out trucks. Getting rid of the equipment will save us \$57,000, but we stand to lose out more than that.

Councilman Jaehnig – It is my understanding that the two pieces that we are paying on are the two most used pieces that we have. They are not pieces that we want to get rid of.

Chief Mason – They are identical trucks set up at each station. They are our rescue trucks. They roll on every car accident. They roll on some fires. They are used on wild land fires. Of our fire apparatus, they probably are the most used.

Councilman Jaehnig – If we had excess equipment, those are not what you would consider excess equipment, so we would still be paying the lease fee. The potential savings of not having that lease payment is not practical.

Chief Mason – The recommendation talked about reducing our fleet size. Basically what they said is out at the other station, the equipment is surplus – that we don't need it. We could sell it and make some money. The equipment sitting out there is our 100-foot platform aerial truck. We can't park it downtown. We fought for years to get that truck. It's paid off. Just to say, it's sitting out there and is extra – we should get rid of it because they recommend it. That's not a good idea.

Councilman McKay – Would it change our insurance rate if we didn't have that truck?

Chief Mason – To a point. ISO was just in and got us on that because that station is not manned and they consider it reserve equipment. Reserve equipment is better than no equipment, but, yes it would hurt that some.

Councilwoman Miller – All of these that are considered surplus, back when DHL was active, they were not considered surplus. Correct?

Chief Mason – Correct. We had the station manned 24/7 just like downtown.

Councilwoman Miller – It doesn't make sense to sell off something that you've worked hard to pay for just because you don't use it every day.

Councilman Jaehnig – If we had a downtown fire, don't you need it?

Chief Mason – Yes. It would be used for places like downtown and Prairie Avenue Apartments.

Councilman Spicer – The truck that would be used over a lot of these old roofs that are not safe to work on. All of the trucks have different applications. I do not agree that we have surplus equipment.

Councilwoman Miller – It is worth having if it prevents a bad situation one time.

Mayor Riley – It also does not take into account that we have been working hard for economic development at the Air Park. When that happens, we will need that apparatus. I hope one day we can reopen Station II.

Councilman McKay – What would a new aerial cost?

Chief Mason - Between \$800,000 and \$1,000,000.

Mayor Riley read his response to the Auditor's report:

The FD fleet was expanded and station 2 was opened in 2003 due to the expansion and growth of Airborne Express (not DHL). Every night, over 8,000 employees would report to work at the Wilmington Air Park. For this reason, the fire department was staffed and equipped for a city of 20,000. That was the reality of our departmental demand 10 years ago.

The report also doesn't take into consideration that the three apparatus mentioned are financed by loans and leases that would have penalties if prepaid. The report also mentioned that the 2002 engine is

often leased to other departments. That's true. The revenue brought in within the past few years is about \$50,000. This revenue would be lost if we didn't have the engine. The city has received nearly the amount the LEAP audit predicted we would save (\$57,000) through leasing of equipment. Getting rid of valuable fire apparatus is a bad idea, especially if it is only going to save the city about \$7,000.

As noted by Assistant Fire Chief, Mark Wiswell, (comments that were apparently ignored by the LEAP auditors), our city needs a platform aerial and 750-foot ladder. They were specifically purchased because of the hospital, apartment buildings, and other structures in the city. Despite what the LEAP report claims, the city does not have excess equipment that it should sell.

Councilwoman Miller - Every issue has two sides and I feel the Mayor's comments give an accurate representation of that side. I would like to read the mayor's counter to the entire report.

[Discussion of contents of online LEAP report – It was determined that the mayor's comments should be at the end of the online version of the report]

Councilwoman Miller said that she felt like she was on the city side of the first issue. She said that was the goal of the review was to see which things need to be followed up on.

It was the consensus of the group that the LEAP recommendations regarding the Fire Department were not something they wished to follow up on.

Mayor Riley said that Recommendation 10 of the LEAP report suggested that the city update the police department vehicle replacement plan and right-size the fleet.

Chief Weyand – The people I dealt with from the audit did not have a handle on the police department items and I doubt that they had a handle on the other departments. In their report, they said I could see a one-time revenue enhancement of \$6,000 by following their recommendations, but I spent \$3000 in labor generating the stuff they asked for. They said we should right-size the fleet. We have nine patrol cars, while the other peer cities have six cars. They said we do not put enough miles on our patrol cars. This is a staffing issue. We have been consistently five people short since 2008. When you take five people off the road, that equals out to the mileage that they are looking at. The LEAP audit also said that we do not have a formal replacement plan. I disagree. I think every time I've come to council I've talked about patrol cars. It is a cost of doing business for a police department. You almost need two patrol cars per year to keep up with mileage and repair. My argument is that we do have a formal replacement plan. Every year I come in and I show you where the cars are in terms of repairs and mileage. They talk about the International City and County Management Association – their recommendations are 20,000 per year. That's one group. There are a lot of places that get rid of patrol cars after 80,000 miles because the cost of ownership after 80,000 is astronomical. If I asked for new patrol cars after 80,000 miles, you would probably laugh me out of the place. We get about 110,000 per car. It depends on the condition of the car on how you replace it. Also, we had a pre-audit session with him and they talked about the size of Wilmington's Police Department. We actually patrol more area than any other city that was referenced in our peer group. We cover 46% more land mass than any of these other cities. We have about 110 lane miles of road. The others don't have that. So, when you averaging 110-115 miles per car per night per shift, that's a lot of driving. Driving in the city is much different than driving in the county. We do pretty well at keeping our costs down and keeping our cars in shape. You have to consider all factors: the need for back up cars when you do repairs, parade coverage, the diversity in the calls we respond to. When I sat down with the auditors and tried to explain all of that, they didn't see the need. They were all about peer averages and that is where we should be. Who is to say they should compare us to anybody. I think we do pretty well. When you look at the last page, it talks about the Police Department and how we control costs. Actually, our Police Department runs at a substantially less cost than any other municipality that we were compared to. We're obviously using our money wisely and

we're better than peer groups. If you look at that number, why do you worry about two patrol cars and a \$6000 one lump sum savings?

Mayor Riley – They did several things to me that didn't make sense. Duane is right about the size of the city. The other thing they didn't bring into account went back to the Fire Department – they insisted when they looked at the fire department that they covered 10 square miles – the City of Wilmington. We explained that we cover 100 square miles. We have the City of Wilmington, Union Township, Washington Township and Adams Township.

Chief Weyand – I don't think anyone was qualified to examine the departments. They just looked at dollars and cents and I don't think the practical aspect of the audit was brought out.

Councilwoman Miller – I think that is why it is important for us to do this.

Mayor Riley read his response to the LEAP audit report regarding the Police Department.

As noted by Chief Duane Weyand, the reason that our fleet mileage (as shown in Table 19) is below the recommended 20,000 miles per year per vehicles is because we have been operating with a significant shortage of police officers. We are currently nearing a full complement of officers and our fleet is perfectly sized for the staff of officers we now have.

Chief Weyand presented a very thoughtful, well-written response to the last draft of the LEAP report. It appears that his responses were ignored. I recommend that you re-read the Chief's response that was included in the previous draft.

Councilwoman Miller – I appreciate your input. We will do this in two weeks with another topic.

Mayor Riley – The next one is to look at improving the cost-effectiveness of the health insurance program. We will have a panel of people here to discuss this.

Mayor Riley – The Auditor's Office sent us a bill for the LEAP audit, but it is not due until next year. It has not been worth what we will pay. When I look at it, we might save a few bucks. As we go through it, I will point out things that I think are good ideas. Some things I think we could do better. It cost us a little over \$83,000 for the audit. The idea is we could take this out of savings and come out ahead for years to come. I can't see that happening.

Councilman Jaehnig – There was a guarantee that they will save us at least the cost of the audit. They also said on average they save 20 times the cost. Whether the city decided to take advantage of their recommendations is a different story, but on average they saved cities 20 times the cost of the audit.

Councilwoman Miller – We'll look at the health insurance on the next one.

Downtown Revitalization Committee – Convener McKay – Keep an eye on the Sugartree Street area – things will be happening there this summer. Keep an eye on the mural parking lot as events will start at the end of this month. Keep an eye on the south wall of the Bosworth building as it will be fun to watch.

[Discussion of the improvements downtown]

John Schum stated that he was on the Design Review Board and the mural on the Bosworth building will pay homage to our farming heritage.

Parks and Recreation Committee – Convener Stuckert – There is a lot of activity going on at the Park. The top item coming up is the Banana Split Festival.

Paul Fear – The Banana Split Festival kicks off on Friday, June 13. It will be 4:00 – 10:00 p.m. on Friday and 11 a.m. to 10 p.m. on Saturday. There is also a 6K run on Saturday. Visit www.bananasplit.com for more information. I want to thank the News Journal for their help. This is the 20th anniversary of the festival. Surveys show that 12,000 to 15,000 people come through the gates. The entertainment will be very good.

Chief Weyand – There will be news coverage on Channel 7, Ohio News and on Dayton channels.

Councilman Stuckert – The entertainment promises to be very good and the weather will be good.

Paul Fear – There will also be a cruise-in on Friday.

Councilman Stuckert – The next week is Relay for Life and the following week we have the Heatin' It Up Tournament.

Cemetery Committee – Chairperson Bob Mead asked the mayor to present an update.

Mayor Riley – The city is going through the process of due diligence of getting everything repaired. We have also asked for a survey of the property and an audit of the books for the transfer of the business. We are setting up line items for the financial end. The transfer is supposed to happen on July 4.

Councilman Mead – Will it be operated as an Enterprise Fund?

Mayor Riley – That is the goal. They have lost some money over the past several years, which is why they are going out of the cemetery business. My goal is to look at it as a business.

Councilman Mead said that the committee would continue to provide reports on the transfer.

Service Director – In the absence of Service Director Reinsmith, there was no report.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Jaehnig and seconded by McKay that the Income Tax Report – May 2014 be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Paul Hunter presented a summary of statistics regarding the landfill that he compiled from the 75-page OEPA report.

Councilman Mead – On Monday I spoke to the Police Department and the Service Director about getting rid of some trash out at the railroad. It is still there. What does a citizen need to do to get something like that done?

Mayor Riley explained that if someone calls the Mayor's Office, the office staff will contact all of the correct departments to get the job taken care of.

[Discussion of trash pickup and illegal dumping]

Mayor Riley said he would make sure the problem was taken care of. He also said that sometimes our police go through the trash on illegal dumps to figure out who left the stuff there.

Paul Hunter asked President Peterson if any action would be taken out of the executive session.

President Peterson replied that there would be a special council meeting next Thursday at 6:30 to continue discussion.

Lora Abernathy introduced a new reporter with the Wilmington News Journal, Aly Shinkle.

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

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

A motion was made by Jaehnig and seconded by Miller to adjourn.
President Peterson declared the motion to adjourn.
Council adjourned.

ATTEST:

President of Council

Clerk