

Wilmington City Council met in regular session on Thursday, December 17, 2015, at 7:30 p.m. with President Pro Tem Mark McKay presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, present; J. McKay, present; Miller, present; Milburn, absent; M. McKay, present.

Chief Weyand was also present.

A motion was made by Stuckert and seconded by Jaehnig to excuse the absent member (Milburn).

Motion passed. All yeas.

Absent member excused.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

Moment of silence observed

President Pro Tem of Council

A motion was made by Miller and seconded by J. McKay to approve the minutes of the last regular meeting, December 3, as presented.

Motion passed.

Minutes approved as presented.

President Pro Tem McKay introduced legislation ratifying an agreement between the Clinton County Municipal Court and the Attorney General of the State of Ohio for debt collection services.

Law Director Shidaker explained that the Attorney General will handle the collection of court costs in criminal and civil cases. There is a 10% fee. Our court system would like to take advantage of that.

[Discussion]

Council members had questions regarding how the agreement would affect the current process of collecting court costs and how it would affect the city financially. Concern was expressed that no one from the Municipal Court was present.

A motion was made by Jaehnig and seconded by Miller to postpone the resolution ratifying the agreement between the Clinton County Municipal Court and the State of Ohio Attorney General for a debt collection until a member of Municipal Court can attend the meeting and answer questions.

Motion passed. All yeas.

Resolution postponed.

Mayor - Mayor Riley recognized that Pat Haley, Clinton County Commissioner was present at the meeting.

Mayor Riley announced that the City received an employer premium refund from the Bureau of Workers Compensation in the amount of \$3,901.41.

Auditor - Auditor David Hollingsworth – As of the end of 16<sup>th</sup>, the General Fund balance is at approximately \$1.589 million. We started the year at \$2.69 million.

Asset, Acquisition and Use. – In the absence of Chairperson Milburn, there was no report.

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee – In the absence of Chairperson Milburn, there was no report.

Judiciary Committee - Chairperson Jaehnig presented legislation making changes to the indigent burial policy legislation to specify that remains must be buried in the Sugar Grove Cemetery. The City has ten plots set aside for indigent burial at the cemetery.

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on the ordinance Amending Ordinance 5238 Relative to the Adoption of an Indigent Burial Policy and Declaring an Emergency.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Miller, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Miller, yes; M. McKay, yes; Jaehnig, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5276 passed as read.

Safety Committee - Chairperson Spicer had no report.

Finance Committee - Chairperson Miller presented legislation making miscellaneous transfers. There are over 20 transfers, most of which have to do with moving money to cover the 27<sup>th</sup> pay period in 2015.

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

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Miller, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Miller, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5277 passed as read.

Councilwoman Miller introduced legislation making supplemental appropriations. Councilwoman Miller asked for clarification of a supplemental appropriation from the General Fund to “Transfer to EMS” in the amount of \$100,000. This supplemental is for overtime and the 27<sup>th</sup> pay period. She asked the amount of overtime versus the amount in regular pay. Auditor David Hollingsworth said he did not have the information. He said that about \$36,000 was actually just a shortfall in the transfer line. \$38,000 was actual payroll. \$20,000 may not be needed.

Councilman Spicer noted that \$176,000 was a very large shortfall for the fire and squad. He said he thought the chief should have known earlier in the year that his budget was

going to be short by a large amount and expressed frustration that council was not given the information previously.

A motion was made by Miller and seconded by J. McKay to give the first reading only on the ordinance Making Supplemental Appropriations.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Miller, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; J.

McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; J. McKay, yes;

Miller, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5278 passed as read.

Councilwoman Miller introduced legislation amending the hotel lodging bed tax policy. The changes would divert 15% of the hotel lodging tax to the Parks Department. This is not to discredit the work of the Convention and Visitor's Bureau. It is to give credit to the Wilmington Parks system.

Councilman Spicer said that he supports the parks and agrees that they bring people into the community in the same way as the Murphy Theatre does. He said that the changes would have a negative impact on the Convention and Visitors Bureau budget. He asked for hard numbers for the impact that the parks have on the number of visitors to the community. He said the Visitors Bureau has specific information that supports their contribution to the community.

Councilwoman Miller argued that the Visitors Bureau reports are not based upon Wilmington-specific statistics but based upon formulas derived from neighboring cities.

Councilman Spicer maintained that the hotel and lodging tax was created to help the Convention and Visitors Bureau and to take that money away from one entity to give to another is wrong.

Councilwoman Miller countered that there is a misconception that the CCCVB (Clinton County Convention and Visitors Bureau) is entitled to the entire hotel lodging tax fund. They are obligated to get 50% but they get 90%, in addition to the \$175,000 they got last year from the Clinton County Commissioners. We have cut the park budget since 2008 by \$294,000. It is very common for municipalities to divert a portion of their funds to parks.

Councilman Spicer – It was not originally set up that way and it should not be changed.

Councilman Jaehnig said he would have to abstain from the discussion and the vote because he is directly affected by the Convention and Visitors Bureau and their budget because his spouse is a contracted employee of the CCCVB.

Councilman Stuckert – Originally it was set up to the fund the Convention and Visitors Bureau. In hindsight, it probably should have been set up to allocate it differently. I have a hard time opposing pulling the original legislation and considering a split.

Councilman Mark McKay asked how much would be given to the parks. Paul Hunter offered that the city's portion of the bed tax last year was \$102,000. Councilman McKay said that it would be \$15,000 to go to the park.

Councilman Jonathan McKay - Offered that he was torn. He asked when it was brought to the Convention and Visitors Bureau. Councilman Spicer said that there has not been a

meeting of the CCCVB Board to discuss the matter. Councilwoman Miller said that the changes had been thoroughly reviewed by the City.

Paul Hunter – 200 Randolph Street – Spoke in favor of reallocating a portion of the hotel lodging tax to the parks. He stated the total revenue from the tax has increased 49% since 2010. They are making more money now. The current total revenue for the Visitors Bureau is \$167,000. The City's parks and trails, festivals, and sporting events add considerably to the amount of visitor revenue. He provided the City of Fairborn as an example of another community that diverts a portion of their bed tax to their parks system.

Steve Pickelsimer – 2017 SR 134 Wilmington, Ohio – Management of Hampton Inn and Holiday Inn Express. We represent 76.3% of this tax revenue that is coming into the city, so I feel we are due voice in the matter. I am also vice-president of the Board of Directors of the Convention and Visitors Bureau. Mr. Pickelsimer gave a statement from the CCCVB outlining the impact of loss of funding and stated his support of the CCCVB retaining all of the funding from the hotel and lodging tax.

Paul Hunter asked if CCCVB considered moving into smaller quarters. It seems extensive for two people and a copier machine. Councilman McKay also pointed out that the CCCVB building has no handicapped access.

Steve Pickelsimer said that the Parks were not bringing in the number of large tournaments they have had in the past, so they do not really contribute that much to the hotel traffic in Wilmington. Councilwoman Miller countered that one of the reasons that there are fewer tournaments is because the parks does not have the funding to maintain the fields. The Parks could potentially use the extra \$15,000 to leverage receipt of a much larger amount in grant moneys.

Paul Hunter offered that if the growth of the hotel lodging tax matched recent years, the money would be recouped quickly by the CCCVB. Steve Pickelsimer countered that the cost of doing business offsets any growth in the hotel lodging tax. Elizabeth Miller spoke in favor moving a portion of the money over to the parks.

[Discussion of Hotel Lodging Tax]

Scott Holmer – 520 N. Walnut Street – Treasurer of Convention and Visitors Bureau. Spoke against moving the funds to the park. Currently a 3% bed tax is remitted quarterly to the city. The city takes out 10% for administration. He asked for clarification if there would be 25% total taken out or if it was 15% total. Councilwoman Miller clarified that the allocation would be 25% to the CVB (Convention and Visitors Bureau), 15% to the Parks and 10% for administration. Scott Holmer stated that a direct conversation with the CVB regarding the effects of the changes would be a good idea.

Chris Walls – 372 W. Locust Street – Understands that the CVB is very important; however, so much has been taken away from the parks and they need to be supported because of quality of life issues, especially for those with children. He spoke in favor of allocating a portion of the money to the Parks.

Paul Fear – 527 Randolph Street – I agree the city has cut back our support of the parks from the city. We do have a parks levy that supports the parks. In addition, the parks are supported by the city in other ways. The parks have found enough money to put in a dog park and a splash park. They are closing down one of the fields, so they will not be able to support tournaments anyway.

Mayor Riley suggested that at the next regularly scheduled Finance Committee meeting, the topic should be reviewed. At that meeting, we should solicit the board members from the CVB and the Executive Director from the CVB to come to the meeting and discuss it further. Steve Pickelsimer asked that the meeting wait until Executive Director Debbie Stamper comes back from medical leave.

A motion was made by Miller and seconded by J. McKay to give the postpone the resolution Amending the City of Wilmington Hotel Lodging Excise Tax Code of Regulations.

President Pro Tem called for a roll call vote.

Roll call: M. McKay, yes; Jaehnig, abstain; Spicer, yes; Stuckert, yes; J. McKay, yes; Miller, yes.

Resolution postponed until January 7 council meeting.

Cemetery Committee – Chairperson Spicer had no report.

Downtown Revitalization Committee – Convener McKay stated that MC Grill on the south side of town would be having an open house on Saturday.

Parks and Recreation Committee – Convener Stuckert had no report.

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

#### Reports

A motion was made by Jaehnig and seconded by Miller that the Auditor-Treasurer Report – November 2015 be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Bill Liermann – 1006 Linhof Drive – Has been a liaison between the city schools and council for the past couple of years. Appreciates the good working relationship between the city and the schools.

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 Miller to adjourn.

President Pro Tem declared the meeting adjourned.

Council adjourned.

ATTEST:

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

\_\_\_\_\_  
Clerk