

Wilmington City Council met on Thursday, January 19, 2012, at 7:30 p.m. with President Scott Kirchner presiding.

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

Acting Chief Duane Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

President: President Kirchner introduced the first agenda item, the approval of the minutes from the January 5, 2012 regular council.

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, January 5, as received.

Motion passed.

Minutes approved as received.

President Kirchner: The second item under my portion of the agenda is an update to your committee assignments. I apologize, but as I edited those names around, I made one error in the edits. The current list you have simply put Mike Wallace onto the Downtown Revitalization Committee. Your original list had Bryan Siebenaller there. I thank Mike for being willing to serve on that committee and I apologize for the confusion. That edit was mine and my mistake. The other thing I will say is based on council rules, with the committee assignments in front of you, we do need to vote as a council on accepting those council committees now that you have the correct list as permit. I would entertain a motion if you were so inclined.

A motion was made by Jaehnig and seconded by Wallace to accept the Council Committee Assignments as presented.

Motion passed.

Council Committees accepted as presented.

President Kirchner opened the hearing on the 2012 CDBG Grant Program. He introduced Whitaker Wright from CDC of Ohio.

Whitaker Wright: Thank you, Mr. President. Members of Council, ladies and gentlemen, good evening. This is our first public hearing for the 2012 Community Development Block Grant program authorized by the State of Ohio. For members present and for members of the audience who are not familiar with the Community Development Block Grant program, these are a mix of federal funds – the Development Block Grant and the federal HOME monies that are allocated to the State of Ohio on behalf of small jurisdictions throughout the state. The large metropolitan areas receive their funding directly from HUD. There are two groups of programs that the Department of Development administers for HUD. The first group of housing programs – the main one administered by the Department of Development is the Community Housing Improvement Program – is a grant program. Typically it has been funded up to about half a million dollars. Wilmington is eligible to apply every two years. It will be eligible to apply this year. The Application deadline is April 2. At this time, we do not know the levels of funding that the state will have. When they released the funding notice earlier this month for the first time, they included no dollar amounts. They are still negotiating with HUD to determine how much money they will have in Fiscal Year 2012. So, this is a somewhat abbreviated presentation this evening. Some of these programs may or may not be fully funded this year. There are three programs normally available through to the Community Action Agency here in Clinton County. One is an operating cost program, the second one is the Housing Development Assistance program and the third one is the Housing Assistance Program. Additionally, the Clinton County Homeless Shelter competes in an RFP every year for funding for homeless assistance. Typically, those applications are due in July. In addition, designated nonprofits throughout the state receive funding for housing for people with AIDS. The second group of programs is the

community development programs. The primary one for Wilmington is the Formula program. It is an annual noncompetitive allocation of Community Development Block Grant funds. This year, we are uncertain of the amount. Last year the city received \$54,000. We will be notified probably next week at a bidder's conference that the state is conducting for their housing programs on possible allocation amounts. Typically, the state notifies communities in the spring of their annual allocation. Those applications are due in July. I have project proposal forms. Members of council have copies, there are also copies on the table, and I will leave these with Brenda Woods, the clerk. We ask interested parties that they contact mayor's office if they think they have a project that would be eligible for Community Development Block Grant funding. Tentatively the City is probably looking at an April submission date, so it can go through a selection process in May then carry on its public hearing and three readings on the application in June and July. In addition, the state also offers a Water and Sewer program. There are some economic development programs – those are currently I think in flux. The main one for the purposes of Wilmington is the Downtown program. Wilmington currently has an open downtown grant, and I believe it will be eligible to apply again this year. That is a Tier II application. Traditionally, the preliminary applications are due in May. The state then reviews those applications and then asks a selected group to submit a final application in October. Finally, it has a small pool of discretionary funds that they use for what they refer to as targets of opportunity. These include senior housing grants, training grants and the discretionary grant for the New Horizons Fair Housing Program. Typically, there are several ways that a project can be eligible for these funds. These funds are targeted to low and moderate income households. Currently, for a household of two, low income is considered \$39,150. HUD sets the income limits on an annual basis for each county in the United States. The primary ways to certify a project are if it either directly benefits the individual (housing program) or it has a direct area benefit, either a census block group or to a local survey or it benefits what is considered by HUD to be a limited clientele – people who are deemed to be low income based on their personal situation. That includes senior citizens, individuals with handicaps, homeless individuals, battered persons, children who are abused, literacy issues and migrant farm workers. The other manner of qualifying is through an area which is referred to as “slum and blight.” The city has a slum and blight area. In city-speak, we refer to it as the Downtown Revitalization area, and that has allowed us to have downtown block grants through the downtown program. The other is through what is referred to as “spot slum and blight.” The city currently has its spot slum and blight resolution and that is primarily for the purposes of demolition, when we are clearing a condemned property. I open the floor for questions.

President Kirchner: Do we have any members of the public who would like to address questions to Whitaker?

Mike Mandelstein: What is the boundary of the downtown blight area?

Whitaker Wright: I am going to do this off the top of my head. It is just north of Columbus to Sugartree. A couple of blocks west of Mulberry out to about the Buckley Mill.

Mike Mandelstein: Is there a map somewhere?

Whitaker Wright: Yes. There is a map in the mayor's office. The city has done surveys in '04, '06, and again in '09. It is very carefully delineated.

Mike Mandelstein: Is there potential feasibility of either expanding or altering or maybe declaring some other section of the city as a blight area?

Whitaker Wright: It is certainly possible. It is at the city's discretion. If an area is to be declared a redevelopment area, a building survey needs to be conducted and 51% of the buildings need to be determined by the city to be in deteriorated condition.

Mike Mandelstein: Is there a minimum size of a blighted area?

Whitaker Wright: Typically, the state would look and ask “What is the purpose?” If it is for downtown redevelopment, they are going to want a multi-block area. If it is for spot purposes, that is very specialized. They have targeted like a neighborhood because they want to target housing funds there or they want to focus on say a water and sewer program.

Mike Mandelstein: The initial burden for the expense of making preliminary determine, shuffling paperwork, would fall on...?

Whitaker Wright: The city would do that.

Mike Mandelstein: Is there reimbursement for the city once a determination has been made...as far as the state saying, “We’ll go with this idea,” does the city get reimbursed for the initial legwork they do?

Whitaker Wright: No. That burden is on a city.

Councilman Jaehnig: It is similar to an application for any grant. You consider that part of the standard pre-work that you would have to do to qualify.

Whitaker Wright: Yes.

Councilman Jaehnig: Is there a general idea from those in the know of how bad it is going to be this year.

Whitaker Wright: HUD received a 12% cut in Community Development Block Grant and a 30% cut in the federal HOME program. The HOME program is what we use for the housing rehabilitation. How that trickles out is incredibly political. All of the metro areas are going to fight not to be cut. States will be coming back and say they are dealing with jurisdictions that have no other source of funds. We’ll find out next week.

Councilman Jaehnig: But that is at the national level?

Whitaker Wright: That is at the national level. The state at this point obviously knows, but they are not going to say publically until next week when they have their bidders conference.

President Kirchner: Do we have any other comments from the audience or members of council?

President Kirchner closed the public hearing.

President Kirchner stated that was the end of the president’s portion.

Mayor – Mayor Randy Riley: It has been a rough week for Wilmington with the severe wounding of Cpl. Sams, the death of a couple of the students from the high school, the injury of schools. Our hearts go out to the families of Olivia French and Matt Shuttleworth. There are just no words to express that type of an impact on a community when your children are injured like that. I would like to observe a moment of silence for these young people who are seriously injured or who have died in the past week.

[Moment of Silence Observed]

Mayor Riley: I think we have this on our cable channel, but the Clinton County Health Department is hosting a Tri-Health mobile mammography van on February 22. I haven’t seen it in the newspaper, but I have seen it on a few flyers and emails. It really is a good program because people who are uninsured or under-insured can apply for getting mammography done and it will be paid for through the Susan Komen Foundation. It is a really good deal for those folks who are having trouble making ends meet. I would encourage any of our citizens who are interested to call the Health Department at 382-3829 and make an appointment. They are not taking walk-ins. You will need an appointment.

Mayor Riley presented the state of the city address as follows:

“Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence.” [Helen Keller](#)

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

As for the state of the city, I will acknowledge that we have problems that cause us concern. We need to be honest with ourselves. The state of the City of Wilmington, like cities throughout the nation, is precarious. Of major concern, is the financial status, not just of this city, but also of the county, the state and this nation.

In the past several months, I have heard it said repeatedly that the city does not have a spending problem; it has a revenue problem. I might agree with that if I had absolute confidence that the financial crisis we are in was only a temporary condition.

However, what started for us in May of 2008 with the announced departure of DHL and then worsened with the national financial/banking crisis later that same year, may not resolve in the next year or two, or three.

It has been widely reported that the current financial crisis is the worst this country has faced in well-over fifty years. I am, however, confident that our economy will recover. There will be a turn-around, but will it be this year, next year, or the following year? We just don’t know. For that reason, we have to prepare for the long-term.

The days of trying to do more-with-less are behind us. In fact, the days of trying to do the-same-with-less are behind us. Like cities throughout the nation, we are now faced with the very real probably that we will be looking at doing less-with-less. That means we have to identify areas where we can cut our expenses, increase our revenues and all of us will all have to work harder and smarter.

There were times, before I retired from Clinton Memorial Hospital, when my Respiratory Therapy staff would be faced with an overwhelming amount of work. Flu season would strike with a vengeance; patients with lung disease would flock into the hospital. The emergency room would be busy nonstop with critical patients. My entire staff would be working with limited days off; giving of themselves to care for patients. It would have been impossible to quickly hire more state licensed people to provide patient care. So, we would all work faster, harder and smarter. I would tell the staff, “At times like these, we just have to keep on dancing and dance faster.”

Those of us, who have been elected to city government, must start working harder and smarter. We cannot continue to spend our carry-over. We must begin to balance our expenses to our revenue. Will this be easy? No. It will not. But, we have to work harder and smarter. We have no other choice. We do have a revenue problem and, as a result of that, we do also have a spending problem.

I propose that we focus on both problems; revenue and spending. As we work with the Clinton County Commissioners, the county Economic and Business Development Director, The Regional Planning Commission and their partners, The Clinton County Port Authority and others to spur economic development through business expansion and job growth, we must also examine every service performed by the City of Wilmington to achieve improved efficiency, improved and enhanced processes and, as possible, partner with other entities to maintain the services we offer our citizens. We just do not know when the economy will pick up; when a sense of confidence will return to the stock market; when large corporations will

begin reinvesting their record levels of cash reserves back into the economy – rebuilding a solid business and manufacturing base, restoring jobs and reversing the crisis we have been enduring for almost four years.

Yes. With the loss of thousands of jobs at the Wilmington Air Park, the city has lost millions of dollars of income tax revenue. Spending has been reduced. Salaries have been frozen. The city has tightened its belt several notches and in doing so has been able to balance its budget. But, we have balanced the budget by slowly carving away at the cash carry-over that, according to our city auditor, once stood at over \$4,500,000.

*That carry-over is now just slightly over \$2,500,000 and will disappear completely within the next three years **if** something substantial doesn't happen. We have to prepare for that possibility, and the only way to do that is to work to increase revenue, while reducing spending.*

Over the next several months, we will examine every process that is used to serve the citizens of Wilmington. We (the mayor's office, all city managers and supervisors, city council and the citizens of Wilmington) will be involved in this process of research and analysis. We will determine if there are ways of redesigning our services to reduce costs while maintaining vital city services.

The citizens will be involved in town-hall meetings. The first town-hall meeting will be scheduled for Tuesday, February 28 at 7:30 PM in the Moyer Room downstairs. At this meeting, we will hear directly from the citizens their thoughts, ideas and suggestions regarding the finances of the city.

While I believe strongly in engaging the citizens in this process, I also know that pleasing everyone will be impossible.

Abraham Lincoln once said, "You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time."

*That quote has often been modified by speakers to say, "You can **please** some of the people all of the time and all of the people some of the time, but you cannot **please** all of the people all of the time." In government, that is pretty much an absolute, but it doesn't mean that we won't try. It doesn't mean that we won't listen to all of the people – because I will listen to the people of Wilmington.*

But always remember... the actions taken by this administration will be taken to serve all the citizens of Wilmington, Ohio to the greatest extent possible.

I don't know if we will be able to achieve the goal of balancing city expenses to revenue this year or next year, but we will not stop trying. We will explore every idea, every suggestion. We will do everything we legally can to assure that this community will once again thrive and grow.

Remember... I am an Optimist.

My vision for this city... is of a community bustling with commerce, new jobs, and new opportunities. It is a vision of people working with one another to make other people's lives better; working to assure that the needs of the community are met through hard work and cooperation at all levels.

My vision is of a city where people have faith in one another; are willing to support one another; sacrifice for one another and work tirelessly for the greater good of the entire community.

My vision of the City of Wilmington is of a city that would make Fred Ertel, Sandy Mongold and Cindy Peterson proud to have recently worked on city council.

My vision for the future of Wilmington is of a city that David Raizk will proudly and confidently tell his grandchildren, "This is truly the finest hometown in America."

Thank you to Fred, Sandy, Cindy and Davey for their hard work and for their love of this City. My commitment, my prayer, is that despite what happens around us; despite what problems the state and national economy may present; we will never give up... we will work tirelessly for the citizens of this great community and for the future generations that will call Wilmington their hometown.

I would like to close this State of the City Address with another quote. This one is from an unknown author. He said, "Life may not be the party we

hoped for, but while we are here we might as well dance.” And, for a while, just like I told my staff at the hospital years ago, we’re going to have to dance a lot faster.
Thank you all. God Bless You and God Bless the City of Wilmington.

[Applause]

President Kirchner: Thank you Mr. Mayor. I think we all here are optimists. Excellent, excellent State of the City.

President Kirchner announced that it was time to begin committee reports.

Assets Acquisition and Use: Chairperson Bob Mead had no report.

Auditor – Auditor David Hollingsworth: Just a couple of items. I apologize for having missed the last council meeting. I guess there was some discussion as far as the recent downgrading by Moody’s of the City of Wilmington. I just want to clarify a couple of things. The former mayor, David Raizk, myself and my Deputy Auditor spent a total of about 4 ½ hours with Moody’s back in December. They had a series of questions they wanted to ask us about the local economy – both county-wide and the City of Wilmington specifically. I think they downgraded us to a large ‘a’, small ‘a’, which is not the top rating but it is still an “A” rating. The downgrade of our rating does not affect any of the current outstanding debt we have. The only effect it could possibly have is if we went for any type of bond financing or note financing in the future – it could have an effect on the interest rate that we would have to pay. Typically in the past, some of the bond issues we have issued in prior years, we have kind of side-stepped going to a rating agency to stand on our own feet to get a rating to try to get the lowest interest rate, and we’ve gone straight to a bond insurer and bought bond insurance, which guarantees us triple-A rating. Even though they downgraded our rating, at the same time they also took off the negative outlook they had on the City of Wilmington, I think, through our discussions and our promotion of the city and giving them an idea of what has been happening here recently in the local economy. I mean, everybody, I think, nationwide is aware of the DHL departure. But they took that off of our rating, which was on there before. I just want to clarify that to let you know that we had a lengthy discussion with Moody’s. We kind of knew going into the discussion that they were probably going to downgrade us. We are not the only municipality that that has happened to.

Paul Hunter: Is that for the general fund type bonds and not for the enterprise?

Auditor David Hollingsworth: Typically the GO debt. It could affect the interest rate that we pay because the enterprise funds are still linked to the city, but they have their own revenue source. It has always been an issue. Our water bond issue has a debt service coverage. It pretty much stipulates that we have to maintain a certain coverage to assure that the bonds will be repaid. So, that in effect, helps to keep the interest rate reduced. It could possibly have an effect on bond...

Paul Hunter: That’s 110% requirement.

Auditor David Hollingsworth: Under the current structure that we have. Yes.

Paul Hunter: Thank you.

Auditor David Hollingsworth: The other thing, and I will leave this, Bob, up to you. I would like to get everyone together on council to go over, especially the new folks, how the city’s finances work. I would like to do that. My preference would be possibly maybe an hour and a half – maybe 6:00 prior to the next council meeting. That way, we don’t have to schedule two nights. If that doesn’t work for everyone, we can schedule something else. It won’t be a power point presentation, but we will have some graphs and pictures you can look at that I think you will get an understanding. We are going to focus on the General Fund. It’s not that we don’t need to be concerned about the enterprise funds and watch those as well, but I think the General Fund is the one we need

to look at first. We will have kind of a pie chart type thing to show you what the General Fund actually supports. I will let you give that some thought. If that works for everyone, then possibly before next council meeting.

Councilman Mead said that he would refer that to the council president because of the Sunshine Law and various other things that are involved. He said he appreciated the offer.

President Kirchner: Thank you, Mr. Auditor. In the event of all members of council being participants of that conversation, it would be considered a special council meeting. We will have to schedule and state the purpose for that. Not having had a chance to check with any of our council members at this point, I would suggest that in instead of in front of the next meeting, we look at the second meeting in February. That way, we could announce at the next regular meeting, that special council meeting, if you could all take a look at your schedules.

Finance Committee – Chairperson Bob Mead: Finance Committee met Monday this past and the three members of the committee discussed an ordinance making supplemental appropriations. I am going to move for that in just a minute. Since that time, there have been a number of questions raised and comments on this ordinance. There are some things about it that I was not aware of when I put it to a vote to bring to council. However, since I am the chairman of the Finance Committee, the Finance Committee did legally vote to bring it before the council. In all fairness to the council and the public, we will continue to go down that path.

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

President Kirchner asked for discussion.

Councilman Wells asked if the item had gone to the Sewer Committee for their consideration.

Councilman Stuckert said as chairman of the Sewer Committee, this is not something that has been brought before the Sewer Committee

President Kirchner: Did this come from last year's agenda? Mark, I believe you were chairman of Wastewater Sewer last year, is that correct?

Councilman McKay: The initiative would have been from last year, sure.

President Kirchner: Did this request for the expenditure come from last year?

Councilman McKay: No. But, we knew there was going to be additional expense. We just did not know the amount.

Councilman Jaehnig: If I remember correctly, I believe this was included in the original discussion. The question was, would we have to pay the entire amount or would we have to pay less. When it was originally proposed to council, the proposal included the top end that we would have to pay. I believe, this is not even at that top end. This is a reduced amount from what was originally approved last year. We had hoped that this amount would be covered by the CORF grant, but unfortunately it was rejected, thus falling back into our responsibility.

Councilman McKay: That is correct.

Councilman Siebenaller: Are there any other sums on top of the \$70,000 that we would be looking at or is this...?

Councilman Jaehnig: My understanding is that we expect no further additional costs to be reverted back to the city.

Councilman Mead: I am going to blame this on my inexperience – this whole matter. For one thing, after I have thought about it at a later time, the idea that this money is being spent within the Sewer Department and the money is coming from the Sewer Department's budget, I feel strongly that this should have been reviewed and approved by the Sewer Department before it ever got to Finance Committee. Due to that fact and that I have reservations, I'm recommending that we do not pass the first reading at this time. When we get the result of that, if it is not passed, as I would like to see it not passed, I would suggest that the ordinance be referred to the Sewer/Wastewater Committee for their review and action prior to any action we might take on it.

Councilman McKay: Are there any time constraints on this, Laura?

Laura Curliss: Well, again, you reviewed this last year, so to some extent you are redoing what a prior council did. You have entered into a contract with contractors to pay money. They have done the work and they have asked for their money. So, you would be breaching that contract. That is about all I can say about it. They have been waiting for their money for about six weeks.

Councilman Mead: I agree with you on that, but I have another point that I also feel obligated to the other departments and committees that the Finance Committee shouldn't be doing things that directly affect the sewer department and sewer committee without their active participation in the result. So, I feel that I would be personally opposed to completing this at this time.

Laura Curliss: I would agree with you, Bob, if this were a new item. But it is not a new item, and it has been through council before.

Councilman Wallace: Has it been through the sewer committee before?

Laura Curliss: I believe so.

Councilman Jaehnig: That is where it originally started? It started in the Sewer Committee, it went on to Asset, Acquisition Use, and then it was completed by council as a whole.

Councilman Wallace: So, in 2011, the Sewer Committee did review all of this information.

Councilman Jaehnig: That is where the original funds were designated to come from.

President Kirchner: It was my understanding during the meeting that this was due to a recent communiqué regarding the CORF grant. When did we get that communiqué?

Laura Curliss: No. It has been ongoing. All the match funds for this project come from the Sewer Fund. Just along the way...we've known about this. When did wall get built, Larry? It was back in July?

Service Director Reinsmith: Yes. July, August, somewhere around there.

Laura Curliss: So, it is not new. We are really at the tail-end. We are just paying contractor bills for things you have already committed the city to do.

Councilman Jaehnig: While I would agree with you that this should probably gone through Wastewater Sewer, at this particularly time, we have already made a commitment in regards to these funds. It is down to the point of actually paying our bills. I think it is important that we pay our bills on time if we want to continue good working relationships with these organizations that have done so well by us in the past. I would respectfully move that we actually pass this and not delay it by sending it back through Wastewater at this particular point.

Councilman Mead: I guess my allegiance is to the City, committees and departments as opposed to the contractors for funneling the money through. I am not disregarding the

fact that the city will owe the money. Part of the city is going to owe the money to contractors and they will be paid. The question is exactly when. I don't know if you are saying that this particular ordinance with this \$70,000 has been active for some long period of time and this is just finishing it. That would be something new for me.

Councilman Jaehnig: If I remember correctly, this was originally approved for \$100,000.

Laura Curliss: I would have to go back and look.

Councilman Jaehnig: When it was originally presented to us, I believe it was somewhere around \$100,000 that could come back to us in costs that would not be covered by the remediation – by the CORF grant. That was the risk, but we were going to go ahead and pursue it and get it covered at that particular time.

Councilman Mead: I don't know what effect the additional time it would take to get it to the Sewer Committee and, if necessary, back to the Finance Committee and back to council. I can't off-hand see that would be a real hardship for anybody, if we just did it right. I'll take the blame for having it this way.

Councilman Stuckert: If it would help at all, I am Chairman of the Sewer Committee. We would certainly be agreeable to take it back and expedite it and look at it and move it on if that would help with all questions.

Councilman Mead: I would agree.

Councilman Stuckert: We would put it through the final analysis. I am sure it is going to be end up as being as presented. That will satisfy all of the questions and get the job done as quickly as possible.

Councilman Mead: One of the additional problems that we are facing that we didn't use to be faced with, is a new ruling about who can and who can't discuss business in a committee meeting. So, this has prevented some discussion from happening. I'm not saying it is right or wrong. I'm just saying that it has kept some of the more active discussions from happening. This is another reason I would like to keep it a little more careful and honest, open and transparent and put it before the committee and bring it back in any means we need to do it in and at whatever speed with need to do it in. I am hoping that that additional time would not cause a great hardship to anybody. So, the motion is on the floor, and my recommendation is that we not pass it so we can go back to the Sewer Committee and we can get some questions answered.

Paul Hunter: You might explain to the audience what the CORF grant is, because a lot of people don't know what that means. This is a nice big discussion about it, and people might want to know what it is.

President Kirchner: I will say, from my memory, which may be faulty, I believe it is the Clean Ohio Revitalization or reclaim fund.

Mike Mandelstein: Mr. President. CORF grant - SMORF grant – the bottom line is, what was the money spent on and why is there a hold-up in paying the contractors is the work has been done? What was the money spent on? That is what I've been waiting to understand. I hear \$70,000, but what did we spend it on?

President Kirchner: I believe that may be some of the question out there. I also would say that if this was an expenditure in last year which was billed in last year, I'm not sure why it was brought to this council.

Mike Mandelstein: Sidewalk?

Laura Curliss: The Clean Ohio Revitalization Project is the Textron project on South Nelson Avenue. The city had the opportunity when Kautex-Textron left town to buy the property for 1.1 million, but it needed revitalization due to industrial legacy issues. That's a nice way of saying there was stuff to clean up there.

Mike Mandelstein: Like brownfield.

Laura Curliss: Yes. One of the buildings that needed remediated was Building 1, which is the southern-most building. The engineers and the team from Hull & Associates, who was doing the testing on the site, decided that at least half the building needed to be torn down but the other half could be saved and used. Indeed, our Wastewater Treatment Department wanted to use that building for office space and to store vehicles indoors rather than outdoors. But, the way the state interprets their rules sometimes, when you remediate half a building, you end up with what? You end up with one end of the building being open to the weather. So, you have a choice. Either you leave it open to the weather or you construct a wall and you secure the building envelope. We did that. We weren't sure whether they would interpret that as continued remediation because you really can't leave a building open. You are essentially doing demolition if you leave a building open by the weather, etc. So we submitted it, hoping that we would get a favorable interpretation that putting a wall – the east wall on building one – would be a remediation item. The state didn't agree. You know, we made our case, and they characterized it as construction versus remediation. If we could have demo'd more of the building, for example, they would have paid for that, but we decided to keep as much of it as we could and put the wall up. So, we knew it was a question, you know, but what are you going to do? Are you going to leave it open? No you're not. And we needed to use the building. That was a discussion that we've had with council all along. I guess at this point in time, I feel like it's been discussed a lot by a prior council and committed and to the extent that you want to consider not paying it, you're reversing, I think, decisions that have gone on before. Plus, we have contracted. We have signed our name to contracts to pay for this work. And, you know, it would be a breach of contract. If you want to go down that road, then I'm sure Mr. Shidaker can help you out with that. But, that is kind of where we are with it. Actually, we are very pleased with the work and it was a good price, so we just finally got the final number. We finally got the decision from the state. The contractor submitted their bill in October. We got the money back from the State in December and that's how long they have been waiting for their money. My last day is January 31, so I won't be around to answer your questions. Thank you.

Councilman Mead: I'm sorry if I've created the impression that we don't want to pay the bill or we don't like the work or we don't want to finish the job. That's not the point. The point is, I didn't handle it properly of sending it through the other committee. The time it is going to take to do that, I think is going to be rather short. That's the point, not the fact that we don't want to pay for it.

Councilman Jaehnig: What is your definition of short?

Councilman Mead: The next council meeting.

Councilman Jaehnig: Three weeks, and they've already been waiting for six. It seems like an integrity issue to me. We've already approved it. We approved them to go forward. They did the work. They did excellent work, and we're going to delay their payment because we may have not processed it correctly by sending it through committees when the council has already approved it in a previous year.

President Kirchner: We are talking about a two-week delay.

Mike Mandelstein: Mr. President, if I might ask. My understanding the gist of this and thank you all for explaining it, you are holding up a \$70,000 payment to contractors who are probably in a seasonal period right now known as slow-down, who could use the cash, and you are doing this hold-up because, in fact, we need to cross some more t's and dot some more i's.

President Kirchner: No, I believe what I've heard here tonight, Mike, is that there are council members with additional questions about the expenditure of \$70,000 of the taxpayers money that have not been answered, and they are simply wanting to make sure that they can explain to their constituents how they are spending their money. I do think

it is an appropriate pause for the responsibility of this council to have their questions answered and the knowledge of what that expenditure is.

Mike Mandelstein: I don't deny what you're saying, sir, but isn't there a paper trail for this somewhere going back that explains the original appropriation, the determination...

President Kirchner: I believe we visited this Mike. Thank you.

Mike Mandelstein: And this stuff has all been visited, so it's just a matter of...

President Kirchner: Mike, please.

Mike Mandelstein:the committee...

President Kirchner: Thank you for your input. If there is no more discussion amongst council...

Councilman McKay: I ask for a roll call vote.

President Kirchner: Then we will have a roll call vote.

Roll call: Jaehnig, yes; Wells, no; Stuckert, no; Wallace, yes; Mead, no; Siebenaller, no; McKay, yes.

Motion failed.

Councilman Mead: Mr. President, I ask that you refer this to the Sewer and Wastewater Committees as soon as possible.

President Kirchner: Okay. We will do that.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – Chairperson McKay had no report.

Solid Waste/Recycling Committee: Chairperson Don Wells had no report. He announced a committee meeting for January 25 at 6:30 p.m.

Wastewater/Sewer Committee: Chairperson Loren Stuckert had no report but announced that they would be having a committee meeting as soon as possible.

Judiciary Committee: Chairperson Rob Jaehnig: While we have no items on the report today, Mr. President, I do have two items that I would like to mention. One is that we do have Phil Floyd in the audience. I would like to commend him. In reviewing the State of the City address, the Transit System handled an additional 3.5% riders over last year, which is over 132,000 riders in the City of Wilmington. That is an amazing amount of numbers, especially considering the budget they are working with. I applaud you on that hard work. The other amazing figure here is the fact that approximately 50% of those riders are elderly/disabled, truly indicating the need for that service. So, you and your entire department deserve to be commended for all of your work, and I thank you very much. The second item that I just wanted to mention is that this coming week, on January 25, at 5:15 will be a Judiciary Meeting. We will be discussing off-street parking and the property maintenance codes and other items that the mayor's office decides to add to our agenda in time for notice. It will be immediately before the Solid Waste meeting.

Safety Committee- Chairperson Don Wells announced that he had two items on the agenda. He introduced legislation for three readings on a resolution regarding a retiring officer's service weapon and badge, providing for a release of claims, and honoring said officer with the presentation of the same and declaring an emergency. He asked for three readings because tomorrow is Chief Hatten's last official day and it needed to be done. He asked for questions or discussion.

A motion was made by Wells and seconded by McKay to give the first reading only on a resolution Regarding a Retiring Officer's Service Weapon and Badge, Providing for a Release of Claims, and Honoring Said Officer with the Presentation of the Same, and Declaring an Emergency.

President Kirchner asked for discussion.

Seeing none, President Kirchner called for a vote.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2269 passed as read.

Councilman Wells introduced a resolution on accepting a gift from Dr. Thomas Matrka. He explained that Dr. Matrka had offered to donate \$100 to the City of Wilmington Police Department to assist with the expenses of the canine unit. He recommended that we accept the gift with grateful appreciation.

A motion was made by Wells and seconded by McKay to give the first reading only on a resolution Accepting a Gift.

President Kirchner asked for discussion.

Councilman Wallace: Was this asked for, is it needed, or did he just come up with this out of the clear blue.

Mayor Riley: Mike, he has done this in the past. He is just an extraordinary citizen. He has given us money for canine programs in the past. This is just something that he and Jen enjoy doing.

Councilman Jaehnig: With the exception of last year, when we didn't have the program, he has actually given each year. I was on the Safety Committee and I remember passing this.

Councilman Wallace: I understand and see the need, I was just wondering if this was something that was asked for along the way or if he said "How can I help?"

Councilman Jaehnig: He is just that incredible of a man.

President Kirchner called for a vote.

Motion passed

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2270 passed as read.

Downtown Revitalization Committee - Convener Mark McKay had no report.

Parks and Recreation Committee - Convener Rob Jaehnig said there was nothing on the agenda, but he had one item. He said the Wilmington Tree Commission has a tribute

Tree Program in which citizens can purchase trees and have them planted in honor of a family member of someone important that they have lost, quite often in memory of. He announced that the Wilmington City Schools Student Council had elected on trying to move forward with such a tree through the Wilmington Tree Commission and are currently taking donations to honor the two students that were lost this week. He said that any help from the public in regards to donations so they can purchase these trees would be greatly appreciated.

Councilman Mead asked who the contact would be.

Councilman Jaehnig said they would just call the school directly and ask for the Advisor for the Student Council.

Service Director- Service Director Larry Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

Reports:

A motion was made by Wells and seconded by Stuckert to approve the following reports as received:

Auditor-Treasurer Report, December 2011

Annual 2011 Treasurer's Report

Statement of Interest Earned – Second Six Months of 2011

Statement of Interest Earned – Twelve Months of 2011

Investment Summary

Income Tax Report - December 2011

Income Tax Report – Annual 2011

2012 Projected Revenue Report

Motion passed.

Reports accepted as received.

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

Keith Collins: 256 Elm Street, New Vienna. As many of you may know, I'm running for Clinton County Commissioner. We have four people that are vying for that position since Randy stepped down and became Mayor. The county's loss is the city's gain here. My name is probably recognized being a mayor of the Village of New Vienna, but what I want to do is address council for a minute and give a little of my background. I've lived in Clinton County all my life. I was born and raised here back in 1949. In fact, people ask where I was born and I say, "New Vienna." Well, there's no hospital in New Vienna. But, if you go back to '49, not all of us were born in hospitals. I'm a graduate of East Clinton High School in 1967. After I left high school, I decided to serve my country by joining the military. I spent two tours in Vietnam. I spent my last year of active service in Dugway, Utah, and I spent three years in the inactive reserves. After that I came back and worked in the private sector where I met my wife, and we've been married happily for 39 years. We have three children and ten grandchildren. I decided to go back to school under a GI bill and got my Associated Degree and then I had to stop for a while and raise my family. After I did that, I decided to go back, so I went back later in life and got my Bachelor's Degree. I have a four-year degree in business administration. I went back to school as well, too, so when you talk about all these topics about Water and Wastewater, I'm a Class III operator with the state of Ohio and also a Class IV operator with the State of Ohio as far as wastewater. One of my proudest achievements in my job and occupation is I work for the City of Mason and we just completed a 32 million dollar wastewater project that I was in charge of, and we brought that in with 3-5% being on budget. I do a lot of projects for the City and I'm proud of my record of bringing those in. So, when we talk about preparing for the position of Commissioner and budgets and staffing and personnel, I have a lot of experience in that area. So, later on, the position for mayor came open and I looked and we were really in a pretty bad financial situation for the village over there. So, I decided to go ahead and run. The books were really atrocious. I don't point any fingers or anything, but under my administration we were able to get all the audits done, bring all that forward. The commissioners were really

great on some of the properties we work with and I really appreciate that. Right now, I am proud to say we haven't had to raise any water or sewer rates under my administration and we will be able to go ahead and streamline the operations over there. We have been able to go ahead and balance all of the books. All of our fund balances are in the black. I bring all of this up, because I think it goes to where your leadership is at and what you're playing at and your responsibility is to the residents, not only just the community but to the county, to watch the money and see how it is spent – to see where it is best spent out. I have a lot of experience in those areas. I've been doing a lot of research as well, too. I have looked at the CEDS program and I really think that's a good roadmap and that's where my experience is. I know there was time spent out on 68 and 73 and those areas looking at water and sewer districts. That's what I do and that's what I build. I streamline departments. I'll be the first to say, too, that I haven't had to lay anyone off from our departments. We were able to streamline our operations for the City of Mason and take care of that. In fact, we haven't laid anyone off in the Village of New Vienna as well either. We've reorganized the departments and things. I think that's what we need to focus on. I agree with Randy. Sometimes you do have a spending problem, but right now we do have a revenue problem as well. The only way you can bring revenue and do that as well it to bring business back into the county. That's the reason I'm running for commissioner. It feels like I've been training all my life to do this job. I've gone back to school. I'm a self-made person. I've never had anything given to me. I've always worked for it. I've worked on farms around here. Whatever it takes, I've been willing to do. I've been in the ditches. I've made those repairs. I've patched those lines. I've been out on sewer breaks. I still do it for the village over there as well. I have 30 years of experience in management and I've got 20 years of experience in water and wastewater, trimming budgets. One other thing that I will mention before I leave off here, though, is because when I became the director for the Utility Department for the City of Mason, no one asked me to cut my budget, but I saw we needed to do that. We needed to streamline to keep a real lean department. Back in '06, I was doing that 3-5% every year. In 2010, the Finance Director said, "Hey, you need to cut your budget by 15%." Well, I liked to choke up. Fifteen percent, are you kidding me? Well, we did that. We cut it by 15%. We didn't have many funds left. We were able to do it. We were able to survive. We didn't really have to cut services. We are always looking for a way to streamline. I think there is always room for improvement. I think I would be a prime candidate for the position. I appreciate your time. If anyone would like to talk to me later, I will be around.

[Applause]

Kerry Steed: 2017 SR. 134 N. Wilmington, OH. I am the owner of Generations Pizzeria. I am also a candidate for commissioner of Clinton County. For almost two decades I have been fortunate that the hard work and effort that I have put forth into this community and into my business bring me amazing success. Because of that, I have been personally responsible for the creation and implementation of budgets and economic impact totally nearly \$20,000,000 through my business. I have created, trained and led nearly 1800 people to greater opportunities, and I believe I have proven my service to this community by generously volunteering my time and my resources. I want to expand my role in this community by asking that you support and vote for me as a commissioner. We all know that the commissioners perform a vital function. They must have extensive business experience to control budgets and make wise fiscal decisions. They must have the leadership abilities to unite rather than divide. They must have an enduring willingness to service the public of a diverse community. I believe these qualities of business experience, the leadership and the service, they have been the building blocks of what I have built my success on for the last 20 years. I believe they have shaped me as a serious and qualified leader. Lastly, I believe it is the duty on those that service the public through office to protect and promote the voice of the people. We need someone with the experience to control our budgets. We need someone with the leadership to bring everyone to the table and listen, and we need someone with the service that is willing to perform every duty of the office. I thank you for your time tonight. I ask for your vote on March 6.

President Kirchner: I would like to say before we adjourn tonight, the legislation that we did tonight regarding Mike Hatten. Mike Hatten, if I am correct, had 37 total years of service to this City.

Councilman Jaehnig: Twenty-eight as chief.

President Kirchner: He has seen this town through a significant time of growth and change and has been an absolute champion of the protection of our citizens. It is an honor that we were able to pass that legislation. I just want to say, for the record, thank you to Chief Hatten for that service.

President Kirchner again asked if anybody else from the public or the council wished to address council while in session.

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

A motion was made by Jaehnig and seconded by Wallace to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk