

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

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

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

Council gave the Pledge of Allegiance to the flag.

President of Council

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

Motion passed.

Minutes approved as received.

President Kirchner: The only other item that I would like to address under my portion of the agenda this evening is an announcement of a public hearing, the first of two, that will be held here during the regular Council meeting August 2, 2012, Thursday evening at 7:30 p.m., on electric aggregation. The city is working to move forward on electric aggregation. Gary, if we could get that word out in the News Journal so folks know that we're very interested in any input they have. They can come and learn more about it. We would appreciate it. But we are announcing the first public hearing of two. The second will be at the following regular City Council meeting. That's everything for my portion of the agenda. Mr. Mayor?

Paul Hunter: Will that also be in the paper tomorrow? Saturday?

President Kirchner: Actually, we're working on the notice. It will probably go in on Tuesday and Tuesday.

Mayor – Mayor Riley: Thank you. The first thing on my agenda is a few years ago, we had a great idea, and I can't remember whether it started with Chris Schock or started with Lori Williams. I'll give you both full credit for it. It was a wonderful idea, bringing some young people, some young minds, a lot of energy into the community. At this time, I'll turn this over the Chris Schock to introduce our new community fellows.

Chris Schock: Thank you. Thank you, Mr. Mayor and Council people. We are very proud obviously of the Planning Commission and Energize Clinton County to welcome the 2012 Clinton Community Fellows. As you know, the Fellows Program has existed since 2009 and is our proactive way to engage young professionals while also assisting small businesses. And each of them work closely, intimately, with a group of small businesses and organizations in the county to allow them to be more competitive and more efficient and bring their insight and their opinions and valuable expertise to them. They all come from various different backgrounds. I'll let them introduce it. At the same time, it allows them to see Wilmington and Clinton County from a different perspective, from a perspective as a professional and as someone who is contributing, you know, to the discourse going on in economic development and other issues, which is obviously very important to root young people with those opportunities. We're very proud. Over the years, many of our fellows have been offered full-time positions with different firms, some of the firms they've worked with and others. It's been hailed as a model, as many of you know, with various awards and accolades from national media and other organizations, and we're very proud of that. So I'll let the fellows stand and come on up, introduce themselves, their background, and describe a little bit about the work they're doing.

Molly Linkous: Hi. I'm Molly Linkous. I grew up here in Wilmington. I go to Wittenburg University. I'm working with Cape May with the new Masterpiece Living Wellness Program they're implementing. And I'm also working with the Farmers'

Market through the Farmers' Bureau to advertise their ability to take credit, debit, and food stamps.

Edmund Besong: Hi. My name is Edmund Besong. I'm a student at Wilmington College. I grew up in Cameroon, West Africa, and in Paris. My family is from Cameroon, West Africa. And I'm working with CIFT with Rob. I'm helping him doing research on the incubator project, and we'll be applying for a grant from USDA. I'm also working with New Sabina Industries. I'm helping them redo their health insurance costs. Well, we have a program that encourages employees to participate, and by doing that, the insurance costs will go down. So, I've been acting as the liaison between the employees and management. I'm also working with National Bank and Trust right across the street. I'm at the head office. I'm helping them create their social media presence.

Daniel Gordon: Hi. My name's Daniel Gordon. I'm actually from Los Angeles. I go to Haverford College outside of Philadelphia. And I'm kind of in a little bit of a different situation from the rest of the fellows. My funding comes not from this community, but from my college to be here. I'm working with Branstrator Farm just a little bit down the road. We just redid their website, which was really exciting, so you should all check that out. And we're working on increasing his agritourism abilities, getting people to the farm for other reasons. I'm also working directly with Energize Clinton County on a partnership we have with the University of Dayton on a cool new energy efficiency computer program, computer game-type thing. So, you should see more about that pretty soon.

Ashleigh Achor: Hi. My name is Ashleigh Achor, and I also grew up in Wilmington. I go to Miami University in Oxford, Ohio. And this summer, I'm working with the Crave Candy and Nut Shop, which just opened around the corner. And I'm working with her on setting up online shopping and doing some promotion events. I'm also working with Adventure Cove Mini Golf, which just reopened on 22/3. And I'm working with her on some marketing, and also some like Facebook updates and just getting the word out that she's reopened and people can go out there and play mini golf. And I'm also working with Lori Williams with Wilmington Parks and Recreation and working on the new brochure and some policy writing, and also setting up their social media online. Thanks.

[Applause]

Chris Schock: Does anyone have any questions for the fellows? Thank you for their warm welcome.

Councilman McKay: Yes. I don't have a question, but I've seen them two or three times now. And I just want to say that they have a lot more poise and are probably a lot more intelligent than I was at that age.

[Laughter]

Councilman McKay: You know, I applaud you. But I applaud what you've done. Thank you.

Mayor Riley: Unless I miscounted, there are at least ten businesses in Wilmington and Clinton County that are going to benefit from your participation this year. And I always hearken back to that very first group of fellows who came through, and when they did the report, if you all get the opportunity to go to the final community report, I was in awe of some of the things that they achieved. So, I'm looking forward to hearing you report someday soon. And thank you all so much for being here. I really appreciate you being part of our community.

Chris Schock: That's great. Yeah. I would just note the final report is set. It's set for August 16<sup>th</sup>, which is a Thursday, and at 5:30 in the community room right downstairs. So, if you can make it, that would be wonderful. We'll summarize all of their work. And obviously on behalf of Mark and Taylor as well, we thank the city for their continued support of Energize Clinton County and the Planning Commission that allows this

program along with our other efforts to exist and to continue growing. So, thank you very much.

Mayor Riley: Thank you, Chris, appreciate it.

[Applause]

Mayor Riley: The next item on the agenda, several weeks ago, many weeks ago, we established the Blue Ribbon Panel, a group of elected officials that have served this community in excess of 190 years total. And they have diligently met over several months, and tonight we have a report. And I would like to introduce Dr. Steven Stovall and Dr. Angela Mitchell who will present the report tonight.

Angela Mitchell: First of all, I wanted to say thanks for giving us the opportunity to address Council and the community to share the results and the work of the Blue Ribbon Panel. As the Mayor mentioned, the Panel was convened in early June, and the idea was to – the charge was to develop achievable realistic items that the City could implement to help alleviate some of the financial issues that the City is facing in the near future. And it was in part prompted some significant declines in revenue which include earnings, tax collections, the elimination of the state inheritance tax, and decline in investment earnings. So, we're going to share with you the results of the Blue Ribbon Panel, but we first of all wanted to express our appreciation to the Panel. We've probably spent 15 to 20 hours with the group. We really had a good time. And we wanted to thank you personally for your service on the Panel. And also, most of them are here with us this evening. So, we'd like to introduce the panel members. Nick Babb, Fred Ertel, Nick Eveland, David Hockaday, David Hollingsworth, Bob Holmes, Sandy Mongold, David Raizk, and Kevin Snarr. So, thank you so much for your time.

[Applause]

Angela Mitchell: Steve and I were asked to facilitate the group. We're both professors, business professors, at the college. We have spent a good deal of time facilitating focus groups in the past. And so, we really wanted to approach this in a very systematic way. So, we started off with several meetings of brainstorming sessions and several rounds of discussion. And the group didn't always agree on everything. And we were able to develop some consensus around three major items that the panel really chose to highlight as ways to alleviate some of the financial strain. The panel is really guided by two principles. The first principle was to maintain the current level of services to the citizens. So, whether it's from the street department to the water department to safety services, the panel really felt that maintaining the current level of services that the residents now enjoy is something that's important. Also the panel wanted to pick the items that had the greatest potential, the largest impact I guess would probably be a better way to say that, although all the items are worthy of examination. So, for example, one of the items that came up during an initial brainstorming session was to review the city's cell phone plan; are there cost savings that are possible by looking at the cell phone plan? That probably wouldn't have as large of an impact as some of the other items. So, all the items were considered, but the ones that we chose to highlight in the report are the ones that the panel thought had the largest impact. We also – the panel also realized very early on during the initial brainstorming sessions that several of the ideas that were generated were already under consideration or in progress. So, for example, the consolidation of the two fire stations came up very early in the process, and as you'll see in the report that's already in progress, and plans are being made to move that forward. Okay. So, the three items that the panel chose to highlight, and these are in no particular order. They're just in this order because that's how they had ended up in the report. So, the first one is to place an earnings tax increase on the ballot, a half-percent increase. This would allow the citizens to determine if they want to maintain their current level of services. It's estimated that this half-percent increase in the earnings tax would generate about two million in revenue for the city, which is about what it costs to cover the safety services. Also, I forgot to mention during the process, the process was very data driven. The panel evaluated general fund activities from 2006 to present day. They looked at tax collections. They looked at municipal tax rosters from Southwestern Ohio. And one of the things that they found out was that of the municipalities that the panel examined,

over 60 percent of those are at a one percent or higher rate, and some of them are at a much higher rate for an earnings tax. Also, the earning tax increase would impact about 21 percent of the residents because 79 percent of those currently paying the earnings tax live outside of the city limits. The second item, gambling permit and licensing fees. Currently the panel views this as a lost opportunity for the city. Many municipalities collect fees for gambling units that are used within city limits. And the fees are based on the number of machines in a particular location and are assessed on an annual basis. And finally, the last item that the panel wanted to highlight was the option of leasing the landfill. Rather than selling the landfill, this is fairly common in the sanitation industry, to lease a portion of the space of the landfill. This would allow the city to maintain a good bit of control over the usage of that space, and it could be for a short duration rather than selling the landfill outright. So, to conclude, we have some extra copies for the community of the report. We also have copies for all of the council members. The panel generated a fairly lengthy list of ideas, and all those ideas are included in the report. Also included in the report is in the appendix is a very thorough evaluation of the Mayor's activities and what things are under consideration, what things are currently in progress such as the consolidation of the fire stations. The objective of the Panel was not necessarily to dictate what council should do or what the mayor should implement. It was really to suggest options that might negate the need for drastic measures in the future. You know, I think the report really represents the collective wisdom. I think Randy said over 190 years of municipal experience. So, it represents the collective wisdom. There are many ideas in here that could be pursued. Hopefully, the result of the report will be that some progress is made on some of the ideas to help alleviate this anticipated shortfall. So, again, thank you for your time. We appreciate the Blue Ribbon Panel. We really enjoyed facilitating the group.

Mayor Riley: Thank you so much. I appreciate it. And I don't know if any of the councilmen just with this brief report would have any questions about the process or any questions of Dr. Stovall or Dr. Mitchell at this time. But we have some reading to do, and we have some work to do. And some of this does deal with taxes and levies, so, Rob some of this might be of interest to your committee. But again, thank you so much, and thank you to the panel members who have given so much of their time. I certainly appreciate it.

[Applause]

Councilman Stuckert: I have one short question since I haven't read your report, and I don't know if the answer is in there or not, on the gambling fees, did you come up with a figure?

Angela Mitchell: No.

Paul Hunter: Property tax options, were they considered?

Angela Mitchell: Certainly, it's included in the list of ideas, yes.

Paul Hunter: Because two million is a lot, but a couple mils is not a whole lot to raise a half million.

Angela Mitchell: Right. I think the panel members looked at the property tax option as the property owners have been – have had increases, and I think they were looking at something that would have the least – the fewest number of residents that are impacted. So, the 21 percent of residents are going to be impacted by the half-percent tax increase.

Paul Hunter: So, pass it on to the tourists.

Bret Dixon: Now, to clarify that, did you say there's a 21 percent, you know 21 percent of the income tax revenue is generated by city residents?

Angela Mitchell: That's correct.

Bret Dixon: Thank you.

President Kirchner: Dr. Mitchell, I haven't had a chance – obviously, this is the first time we've seen the report this evening. So, I haven't had a chance to read it. I notice that the three major indications given were for increases in revenue. Does the report contain ideas for lowering the structural costs, operation costs of the city or is it mainly focused on revenue?

Steve Stovall: Yeah. There's not – again, I know you haven't had a chance to really review this yet. But other than the fact there's the appendix, all the ideas and several of those were related to cutting costs.

President Kirchner: Okay.

Angela Mitchell: And really increasing efficiency. So, for example, one of the items on the additional list was to further strengthen the relationship between the County and the City, and are there cost savings that could be developed by the County and the City working more closely together.

President Kirchner: The other question that I wanted to ask you, you had indicated that this was a heavy data-driven process, did you develop new data or where did the data originate? Obviously, if you're reviewing the city budgets for the past number of years and expenditures, that came from the City, what other data did you look at? Was that generated from the college side? Was it brought to you by the city?

Angela Mitchell: It was brought to us through several avenues. Marque provided some information on tax collections. David Hollingsworth provided a lot of the general fund activities. The municipal tax rosters came also from the city. So, we didn't generate any data on our own.

President Kirchner: Okay. Very good.

Angela Mitchell: Nor did the college.

President Kirchner: Thank you.

Mayor Riley: Thank you both very very much. I appreciate it. I would also like to note that in the appendix that is multiple pages, but it's a lot of things that the city has been working on that we will continue to pursue. I made some notes on the appendix when I emailed it to Dr. Mitchell. But I want to thank the Service Director and Safety Director and all of the city superintendents and supervisors who really worked hard. We've met several times compiling all of the information that you see in the appendix. Don't think that's mine. It was certainly a team effort by the entire leadership of the city of Wilmington. I want to acknowledge that and thank them for their help too. So, thank you all very much. Very good. Thank you.

President Kirchner: Mr. Auditor.

Auditor – Auditor David Hollingsworth: I have nothing tonight, Mr. President.

President Kirchner: We're hearing the committee reports at this point. Asset, Acquisition and Use.

Asset, Acquisition and Use – Chairperson Bob Mead: Mr. President, we have one item this evening. It's going to be three readings on a resolution declaring surplus property. The transportation company has two taxicabs that are old and they need to be replaced. They will be bringing some new ones in within the week or three or four weeks, and they need to get this permission to sell the surplus property, and that's what this resolution covers. The vehicles are valued at more than \$1,000. So, it requires a resolution authorizing the sale.

A motion was made by Mead and seconded by Wallace to give the first reading only on the resolution Declaring Surplus Property, to Wit: Vehicles Valued at More than \$1000, and Authorizing the Sale of Said Vehicles; and Declaring an Emergency  
President of Council asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Mead and seconded by Wallace 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 resolution by title only.

A motion was made by Mead and seconded by Wallace to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2291 passed as read.

Councilman Mead: And that's all for the Acquisition and Use Committee this evening.

President Kirchner: Thank you, Bob. Finance Committee.

Finance Committee – Chairperson Mead: The Finance Committee has no report this evening.

President Kirchner: Water Committee.

Water Committee – Chairperson Wallace: No report, Mr. President.

President Kirchner: Streets Committee.

Streets Committee – Chairperson McKay: No report, Mr. President.

President Kirchner: Solid Waste/Recycling.

Solid Waste/Recycling Committee – Chairperson Wells: No report, Mr. President.

President Kirchner: Wastewater/Sewer Committee.

Wastewater/Sewer Committee – Chairperson Stuckert: Mr. President, we have one item tonight that we received in committee. And this is a resolution that will authorize the Director of Public Service to advertise the bid for services to the wastewater treatment system. And we want to declare them first. This is needed to be put into effect as soon as possible due to the fact that some of the activity, et cetera needs to be done during warm weather. So, I'm going to move for three readings on a resolution authorizing the Director of Public Service to bid for services for the wastewater treatment system and declare an emergency, please.

President Kirchner: Would you like to move for the first reading?

Councilman Stuckert: First reading first on that, yes.

A motion was made by Stuckert and seconded by Wells to give the first reading only on the resolution Authorizing the Director of Public Service to Bid for Services to the Wastewater Treatment System, and Declaring an Emergency.

President asked for discussion.

Councilman Jaehnig: I'm sorry, I was not able to make that particular meeting. What are these contracts for?

Councilman Stuckert: They are contracts that are routinely done to handle general utility construction services. Some of the activities that you I'm sure heard about last year about

the installation of sanitary sewer lining, and maintenance contracts for pipe testing, grouting, those type things all of which I think we've had in committee, you know, in the past. This is a routine thing. It's not a new item other than they have to do this each year.

Councilman Jaehnig: Thank you.

President asked for further discussion.

Seeing none, President called for a vote.

Motion passed.

Director of law read resolution by title only.

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

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

Director of law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2292 passed as read.

Councilman Stuckert: Mr. President, we have no further items.

President Kirchner: Very good. Thank you, Loren. Judiciary Committee.

Judiciary Committee – Chairperson Stuckert: Mr. President, we have one item tonight, and it's an item that's been forwarded from the Judiciary Committee unanimously. However, in reading the ordinance document that was put with our agenda, we've discovered a need to amend that ordinance before we make our motion. If you are reading it in Section 1 to have an effective date of August 2<sup>nd</sup>, that's not correct. That should read at the earliest extent allowed by law.

A motion was made by Stuckert and seconded by Wells to amend the Ordinance to change the effective date as stated above.

President of Council asked for discussion.

Seeing none, President called for a vote.

Motion passed.

Councilman Stuckert: Okay. Mr. President, with that amendment, I would move as again it's an item that we've had extensive discussion on in committee with a lot of people present, and actually at another committee meeting we had later, it was unanimously decided to forward this legislation to the full Council. And so, I'm going to move for a first reading on an ordinance to abolish the positions of Assistant Police Chief, Code Enforcement Official/Engineer, Human Resources Director/Workplace Safety Coordinator and Maintenance and Repair Superintendent and declaring an emergency, please.

President Kirchner: Would you like to give the reason for the emergency?

Councilman Stuckert: Yes, sir. This has to do with our, again, our budget shortfall, which we've had for two years, and we're into our third year. As we've examined every move that we could possibly make, and in this move, this particular item in particular, anything we do in this regard is – we're not going to realize the full benefits of until as late as the budget year 2015. Under those circumstances, we feel that these items once decided upon should be put into force as soon as possible. Therefore, an emergency or we have a crisis situation with our budget. The items that we tasked to attempt to resolve that crisis should be done as an emergency.

President Kirchner: Very good.

A motion was made by Stuckert and seconded by Mead for the first reading on an ordinance To Abolish the Positions of Assistant Police Chief, Code Enforcement

Official/Engineer, Human Resources Director/Workplace Safety Coordinator, and Maintenance and Repair Superintendent, and Declaring an Emergency, As Amended. President of Council asked for discussion.

President Kirchner: Councilman Jaehnig.

Councilman Jaehnig: The proposal put together by President, first of all, Scott, I'd like to thank you for actually putting the proposal out. It is – the budget situation that we're in is a very difficult situation, and we do need to be looking at every opportunity. While I do not agree with everything that may be in that proposal, I do agree that everything needs to be discussed. The concern that I have is in the proposal that was put forward by the President. Now, the proposed option in regards to HR services had to do with the merging or combining of services with the county. At this particular time, I'm kind of amazed that we would move forward with such a piece of legislation without knowing whether the County has an interest in or is able to merge HR services with us. I would think that that would be a pretty important thing to check out before eliminating the position. On top of that, in the Judiciary proposal, it doesn't mention that in any way of reviewing it. In fact, in the very first Judiciary Committee meeting, a request was made by Councilman Siebenaller to do a little bit more research on the effects of these cuts. At the end of that meeting, it was decided to give time to do that. The instructions at the end of that meeting was Councilman Stuckert turned to Mr. Siebenaller and said, I guess you have a lot of homework to do. What confuses me is as the former chair of that particular committee, a chairman's responsibility is to go out and get the answers to the questions that the committee members have. At no time was there any discussion when they came into a second Judiciary meeting about what the answers were to the questions that Councilman Siebenaller brought to a forefront. Councilman Stuckert clearly stated that there has been absolutely no review of the effects of cutting these particular positions. That concerns me greatly. The question that I have, and I don't believe that there's anybody in the room that has this answer, making this particular move, how much money are we saving whether it be now or in 2015.

Councilman Stuckert: My answer to that would be another question.

Councilman Jaehnig: No. I would like an answer to the question.

Councilman Stuckert: My answer is another question.

Councilman Jaehnig: Go ahead.

Councilman Stuckert: My answer is what review and what study was done when these positions were created to determine the difference between how much we would save when they were created. Otherwise, the positions were created in 2004, 2005. The – importantly to analyze the full effect of that. And at this point in time, I would assume that there was an analysis at the beginning.

Councilman Jaehnig: The reason that you stated that it's time to cut these particular positions was for budgetary purposes. I beg to differ with the fact that actually making these positions will save the City a dime. And the reason I state that, first of all, the question was asked in the very first Judiciary Committee, while with the Code Enforcement/Engineer's position, I'll take credit for the fact that was ever formed, and that was a mistake that that position was ever formed. I have no problem with the elimination or the abolishment of that particular designation. But in regards to the Assistant Police Chief's position, the question was asked if we eliminate this position and was to determine whether it be two years, ten years or 20 years down the road that position is needed again, is there a cost to get that position certified? As a civil service government in this particular city, the job categories have to go through a certification process to be put on the books. There is a cost to that. At no time was there an answer in regards to what that cost would be. However, I do know that there's absolutely zero cost to have that on the books and have it unfilled. On top of that, there may be other options. Maybe Council has the ability to freeze that position so it can't be filled without Council's approval. But abolishing it seems to be a rash decision at this particular point. In regards to the HR Manager's position, I wonder what kind of savings there could

possibly be. Obviously, currently, you can still receive 99 weeks of unemployment at about approximately 60 percent of the pay. So, we're still going to be paying that. We will not have an HR Director on hand to deal with HR situations, which means we're going to be picking up the phone and calling the lawyer more often at \$450 to \$650 per hour. That is going to eat up a lot of those savings real quick. Also, I do know that having an HR Manager on staff with the city affects our insurance for the city. If we do not have an HR Manager, our insurance rates to insure the city will go up. That is not a guess. That is a fact. How much? We have not investigated or looked into that. I think it's important to find that out. By losing our Safety Manager or our Safety Director for employee safety, I know that affects our OSHA rating at that particular point, which then also affects our insurance again thus causing the possible opportunity for insurance rates to go up again. I'm not saying that these positions should stay or not, but I think we should do our homework and make sure that we can answer these questions before we make a rash decision. In regards to the M&R Supervisor, in looking at the number of hours that he's working every week and the fact that any out in the middle of the night call that needs to come in, the majority of the time, Denny takes that call, okay. So, have we done a cost analysis by eliminating his position, but by adding, you know, anywhere from ten to 20 hours of overtime on to our staff that currently exists, are we really saving money at that particular point? To cap things off, even if we abolish those particular positions, those two individuals that fill those positions currently do not lose their jobs because by state law in a civil service community, they will have the opportunity to bump somebody else. So, the person that ends up losing their job is the guy at the bottom of the barrel, the exact person that you talked about protecting and making sure they don't lose their job. So, I really kind of wonder if we've really done our homework. You have publicly stated twice now that you have looked into this, and you have none of these answers. I think it's irresponsible to move forward at that particular point. I just – there's no way that I could support this bill as it's currently presented.

Councilman Stuckert: So noted. I would make a comment here. As a committee and as someone who's been around here for a year, if I could get -- if we could our information in committee as rapidly as we got it to our Blue Ribbon Committee, I would say we probably could do a lot of analyzing. But as you well know, that is a very difficult job in this position.

Councilman Jaehnig: No. I've never had a problem getting what I asked for.

Councilman Stuckert: Well, I'm sure you haven't, sir. But I have. Okay? The other point that I would make is at no time are we assuming that these functions that you're talking about will go untended, undone just as they were attended and done prior. Perhaps you could answer a question. Was there a human resources person on staff prior to the creation of this Human Resources Director?

Councilman Jaehnig: Yeah. Actually, I can answer that question. That's correct, there was not a person at that particular time. The state laws and the federal laws have changed so drastically since that time, the need for an HR Manager is much more important than it ever has been in the past. And on the report that I pulled off the Internet, the value of an HR Manager and the reasons to have one simply in regards to negotiating compensation and dealing with all of that has a value to it, handling all of the benefits for the employees. You talk about protecting the employees, except you're going to take the one person who actually works on their needs every single day, and their entire job is to help the employees. They're responsible for the safety of the work place. And when there isn't something safe, that's the person that is responsible for making sure that it is safe. Liability. Our liability goes up without an HR person. Without an HR person, it's a proven fact that 35 percent chance increase that you're going to be sued by an employee if you do not have an HR Manager. Training and development, most of that happens by the HR Manager and he keeps track of when the training has to be completed and that all certifications are filed in time. On top of that, he makes – and goes through and checks for employee satisfaction on the job because unhappy employees are less productive, and they're going to get less done, and their stress levels then rise which means then we have more medical claims, and their benefit costs go up because we are a self-insured city. On top of that, recruitment, the HR Director is responsible for finding new employment. Again, we are a civil service community. That means that we have to

test all of our employees. We have to have somebody certified to be able to go through the entire process of that. And then compliance; we can get in a lot of trouble if we're not in compliance, whether it be with OSHA, whether it be with the state auditor's department or the human resources for the state. So, there's a lot of things that the HR position does that was not required before we had them.

Councilman Stuckert: Number one, was it undone?

Councilman Jaehnig: What's that?

Councilman Stuckert: Was it not done?

Councilman Jaehnig: It was not a state or federal requirement, a lot of these.

Councilman Stuckert: Was it performed? Was that function performed in the city of Wilmington?

Councilman Jaehnig: A perfect example is FMLA, Family Medical Leave Act did not exist before. Now it generates a massive amount of paper work, more paper work than you could possibly imagine.

Councilman Stuckert: And there's no one that is – as it remains that could learn to do that.

Councilman Jaehnig: There is nobody employed by the city right now that has the training to properly do that.

Councilman Stuckert: And it would just be impossible to train somebody at a lower –

Councilman Jaehnig: For somebody who works in education, it disappoints me that you don't understand how important that certification identification is.

Councilman Stuckert: Put downs are just becoming overwhelming. Could you just – could we just have a conversation without –

Councilman Jaehnig: I am having a conversation.

Councilman Stuckert: You know, I understand you're disappointed. You don't have to keep adding to the list that makes you disappointed.

Councilman Jaehnig: Well, but you're not listening to what I have to say.

Councilman Stuckert: I am listening to what you say. I have a committee that has been listening to what you say.

Councilman Jaehnig: No, because they're not allowed to talk in the committee. So, the committee has –

Councilman Stuckert: You haven't talked to anybody.

Councilman Stuckert: And you have broadcast stuff throughout – all over the place. But the point I'm saying is these have been considered. Now, all that you said is going to mean nothing if we don't solve this budget problem because those people aren't going to have stress, they won't have jobs. We're talking – what figure are we talking about here in terms of the savings, Mr. President?

President Kirchner: When fully recognized, with one caveat, and that was the lack of inclusion of benefits cost on the Superintendent because of the possibility of moving that individual into another position such as the Service Director's position, you're talking – when fully recognized, \$397,548.09 of actual cost in those four positions. So, the costs have actually been calculated. And just for the record to explain to everybody why the recognition of those savings could take to the year 2015. Current insurance for the city

obligates the city to the cost of insurance until March 31<sup>st</sup> of next year. You will not see the cost of those benefits. The commitment was already made for one year. Beyond that, you have the potential, as Councilman Jaehnig pointed, out of unemployment insurance for an unknown period of time depending on how Congress acts moving forward, but the potential of unemployment costs associated with removing these positions. So, it could be 2015 before you can recognize the complete savings associated with the need to eliminate such positions.

Councilman Jaehnig: But that does not address the costs of covering what those positions used to do.

Councilman Jaehnig: Well, if I could offer a couple more things. Mr. Chairman, it's your floor. I would take one exception – exception to one thing that Councilman Jaehnig said, and that was that we would be removing the only person whose focus is administering employee benefits. That is incorrect. We do have a secretary in the HR Department who actually was the entire department prior to the creation of this job. That, indicating the HR Director was the only individual that was serving those needs, would be incorrect. I would also add that when the HR Director position was created, it did not include the Safety Coordinator position, which was being done by others. That was added to the position of HR Director, along with changing – raising the classification of the position and getting a significant raise for that position on those duties. So, the Safety Coordinator wasn't even part of the original HR Director position when it was created. It was added later. But –

Councilman Wallace: Mr. President, if I may add to this. I want to piggyback what Councilman Jaehnig was saying in the fact that I think actually your proposal makes some sense in the fact we're trying to combine some positions and that type of thing. It's actually the second proposal that was thrown to Council in the last couple months – something that we can consider. We can talk about and see if we can come up with some ways to get ourselves into more compliance in our budget. And I think everybody up here knows we've got some problems we've got to try to deal with. And we've got to move forward. The problem I'm having is that this proposal happened two weeks ago, probably the most serious thing that's been thrown at us for quite a while, and we're jumping at this thing in a knee jerk reaction. But we all know – we all believe we need to get moving and get moving quickly. Yet I don't think that we've thoroughly discussed this situation. I think we're going into it halfcocked. And I just know that whatever business we've all been in that when we do something without having all the information necessary to make a good decision, it usually comes out bad. And I think that's the way I believe that this is going to happen. I think that this one is going to cost us more money than we ever think about saving. So, I believe it's even twice – it's beyond what we're spending today and that much more. Just to the things that I can envision that's going to bounce back at us, and that's why I have a hard time believing – to support this whole resolution right now just because I think it's going to cost us more. I think we handled it wrong. I think – I don't even like the way we're organized right now with our committee meetings because like you said we can't talk in these committee meetings right now. I listen to facts, and I want to discuss them and I'm not allowed to. And that's a whole separate issue, which we don't want to bring up here. But I think that – I just have a hard time supporting this for a couple reasons. I believe that our services to our people will be lessened any way you look at it. And even though we say we want to try to keep that, we're not going to do it, and it's going to be less. I think our services to our employees will be less, and I just have a hard time with this one right now.

Councilman Stuckert: Well, seeing that we're doing a lot of "I thinks," and you know, I think we're going to – it's going to cost us more money and I don't – and I think that nearly \$400,000 is going to be a hard one to come up to, especially you know, let's again go back to the fact that we're talking about functions that were done differently before. These were added during times we had more money. That's the logic of it. When I look at the organizational chart, I see a Service Director who is responsible and oversees a Superintendent who oversees two crew chiefs on two crews. Now, that is at some form level or another one, two, three, four administrative positions in one shape or another. That's four administrative positions. So, don't, you know, it's –no one needs suggest to me that taking this action is going to cost us more. I would suggest that those two crews

with a Service Director can oversee that. We can manage that. And we've had two years, full years, of saying we can't do it. We're into our third year. And this committee just doesn't believe that. Now, granted there hasn't been this in-depth analysis that all of the sudden we're interested in. And I would suggest that it wasn't – that that analysis wasn't there when those positions were created either. And so, it's the view of this committee that we have to act. I've been here since last July. There's never been anything this comprehensive or at this point has been this significant that's even been proposed by a committee. And it's a first time. And it has to happen. And if – again, as we said at the time, if the administration can take this and rework it and come back with a savings of something that will save 500,000 or even the same amount of money, then we've got something to work with. But this proposal will work. And I do not – I cannot, based on what I've seen, subscribe to the draconian outcomes that are being portrayed here. I think this is over dramatizing it and it's just another kind reaction, “Oh, we can't do this. Oh, we're going too fast.” Too fast should not resonate with anyone. We are not going anywhere near as fast as we could. We – if these proposals that we have before us on the Blue Ribbon Committee, if you know, in order to raise taxes, you've got to have people's permission. If they don't give you the permission, and we don't see our way to do this with the landfill, we're going to run out of carryover. Now, this is happening all around us. It's happening in Hillsboro. It's happening in every state of the union. And there are places that are taking action and consolidating positions and learning to do functions by people taking on additional functions. And I know these people on the staff of this city are perfectly capable of learning to do whatever a position – whatever function they've got to perform. They're perfectly capable of doing it. We don't have any one person that is just completely indispensable and if we pull that lynch pin the whole thing falls apart. I don't buy that. So, that's why I remain resolute, and I believe as a committee we remain resolute in putting this forward.

Councilman Jaehnig: You know, the one question I have, you talked about, you know, that we have to take action quickly. Yet one of the things that was put forward that was actually a revenue generator for the city that has been sitting and languishing because we need to do more research on is fees for permitting of games of skill, which is sitting in your committee. I started – I brought it everybody's committee. We got the approval of the Mayor. We got the approval of the City Treasurer. We got the approval of the Law Director that that proposal was good and ready to go. Yet I continually heard from you and the President of the Council that there's more to look into. Okay, fine, there's more to look into. I can live with that. Yet, when we bring something such as – as your own words just now – something as large as this, that nothing like this size has been brought before Council before since you've been here, and you bring something that large to the table and we're not even willing to take time to actually check the numbers. Yet another piece of legislation that actually brings revenue into the city has now been sitting on the table for three months or four months.

Councilman Stuckert: And what is the amount of that revenue according to your own calculations?

Councilman Jaehnig: It doesn't matter.

Councilman Stuckert: Oh, it doesn't, okay. But anyway, I'll give you one thing, I'll give you my own personal reason why I – some of the things that we're taking under consideration, and there were others on the committee that haven't been resolved. So, it isn't just me. But I –

Councilman Jaehnig: I know, I don't have a problem with looking for more information.

Councilman Stuckert: Can I please talk without being interrupted?

Councilman Jaehnig: Sorry, my apology.

Councilman Stuckert: We're talking about gambling first and foremost. The state of Ohio has put a moratorium on this until end of next year. I personally would not vote to have gambling in our downtown area or anywhere else in the city for that matter, but particularly in our historic downtown under any circumstances. And I have said that I do

not want to do anything, take any action, that could preclude us from being able to ban this gaming activity if the state finally acts and we have that privilege of being able to do it. Now, I asked the Law Director for a written opinion on that, and I did get a written opinion back. It's still not clear to me that we're saying unequivocally that we cannot damage any future position we would have on abolishing that by going ahead and licensing it. And I have to have that for me to act. I, you know, I'm not at the point where – and as I recall, the amount of money that we've talked about on machines and based on something that was done up in Jeffersonville and all that stuff, this really has – it is not related to this. And we can get into that, this kind of stuff later on. But I mean, there's a lot of reasons for it. It isn't quite as simple as me sitting here and not taking revenue and – on the one hand and bringing something else out on the other hand. This is – let's deal with this resolution as it's been discussed. We had three hours of discussion last week, and we had a committee meeting since then. And this is what we brought forth. So, you know, you can keep asking questions as long as you want to. At the end of the time, we're going – I'm going to move for the resolution.

Mayor Riley: I have a comment. Before Council proceeds with this really very, very important vote, and this is maybe one of the largest votes, the most important votes that I have seen Council passed in some time. Loren, you mentioned the meeting a week ago where we sat in here and we talked about this issue specifically. And you made the following comment, and I was so surprised to hear you say it that I had actually had it transcribed so I could make sure that I didn't hear you wrong. I wanted to make sure I had your words. And this is exactly what you said, and I will quote, "I will say this, since 2010, of all the jobs that have been secured by people since 2010, 70 percent of them have been secured by people over the age of 55. We have a whole demographic of people coming out of college or else new to the workforce, et cetera, who are going unemployed. I happen to believe that there's a possibility that just as we have had a lot of young people come in here with ideas, we have a lot of young people out there that would be willing to work at wages that we could sustain." We have a lot of young people out there that would be willing to work at wages we sustain. Young people. And just shortly after that, you asked for a proposal – you asked for a motion to eliminate two employees who were over the age of 60, over the age of 60 years old. I was shocked to hear that because the Equal Employment Opportunity, it is not a suggestion, it is a law. Equal Employment Opportunity is a law. You cannot discriminate against people based on their ages. And as the law states, the law forbids discrimination when it comes to any aspect of employment including hiring, firing, pay, job assignments, promotion, layoffs, training, fringe benefits and any other term of employment. That is under the age discrimination and work situations. What you're proposing tonight, what you're asking this Council to vote on is a violation of state and federal law.

Councilman Wells: Let me ask a question. I want to ask him a question. Did you not say that the older people could bump the younger people?

Mayor Riley: No.

Councilman Wells: I thought I heard that said.

Mayor Riley: If you heard it said, it didn't come from the Mayor that's for sure.

Councilman Stuckert: Let me ask a question, Mr. Mayor. Tell me what people I move to get rid of? What people –

Mayor Riley: You guys want to stand up? We've got Denny Gherman and we've got Danny Mongold, two very faithful employees whose names were mentioned in the proposal that came from our President. And that is – who you are talking about moving is the Director of Human Resources and the Superintendent of our streets. There they are, both over 70 years old.

Councilman Stuckert: Our committee is talking about positions.

Mayor Riley: Positions held by people over the age of 60 right after you stated that we have a lot of people over the age of 55. You have set us up for a lawsuit that, trust me,

we will lose. And the lawsuit – the lawsuit that these gentlemen can file on age discrimination is not going to be just a few hundred dollars. You’re talking about hundreds and hundreds of thousands of dollars that they will be able to sue us for and win based on age discrimination. And it goes back to what you stated as far as people over the age of 55, “70 percent of them have been secured by people over the age of 55. We have a whole demographic of people going to college, et cetera, et cetera. We have a lot of young people out there who be willing to work at wages that could be sustained.” Now, do you think for a moment that Danny Mongold doesn't realize this? I mean, if you look at his responsibilities, one of his first responsibilities is labor law compliance as follows: Equal Employment Opportunity Commission, discrimination laws, Americans with Disability, Family Leave Act. I’ve got about eight pages of things that Danny Mongold does for the city. Why say that he saves – a good HR Director will pay for themselves time and time again throughout a year. I’m not just whistling Dixie. I mean this is the truth. And if you try to eliminate these people, you are violating state and federal law. State and federal – now, Brian, I’m not an attorney, but am I on fairly stable ground here?

Law Director Brian Shidaker: I’m not going to sit here and say that you’re violating state or federal law because... I can tell you what the law is. And the employees would have to take action on the employer, which is the city. Once they take action, and it’s in the court process, it would ultimately be up to a judge or jury to determine whether or not this Council has violated state or federal law. So, I’m not going to go as far as saying that yes you are violating state or federal law. I can be more than happy to advise you on what the law is. I’m not a labor attorney, but I have fairly good understanding of labor law. And I’d be happy to provide you with the law. There is a concern, and there’s always the potential for lawsuits any time you take an adverse action on an employee as an employer. So, I’d be happy to share the law with Council. I won’t say whether or not it is in fact age discrimination because that’s ultimately up to a judge or a jury in the end. So, but I’d be more than happy the provide –

Councilman Stuckert: Well, and that would be, you know, there’s been a connection made here that didn't exist. The Mayor is suggesting that I’ve made that statement about demographics in connection with those two positions. Not true at all. It was in – it was when I was going through a whole bunch of things that are occurring around the country in different positions, different towns. And so, I was talking about a general subject. And I think it probably had more to do with my statement about wanting to have continual conversation with city employees about the furlough program. And I don't think it had – well, I know for a fact that it had absolutely no connection to the two individuals you had stand up. I am deliberately, in my own mind set, I am talking about positions. I know what the proposal said. That isn't what we – that isn't what we acted on. At no time were people mentioned in that committee meeting. At no time were people dealt with. We’re talking about the structure of the city and the people that are in that structure. And their ages have nothing to do with what we’re talking about. So, I think you’re making a connection that did not exist, and it’s just another attempt to say we can't do it.

Mayor Riley: You made the connection, Loren. You made the connection in your statement. I mean, if –

Councilman Stuckert: You can connect the two statements.

Mayor Riley: When you look at Equal Employment Opportunity, I mean if you had said we have way too many guys working in this city, we could probably get women to work cheaper, and so we get rid of two men. I mean, basically that is a violation also of the Equal Opportunity. You were just talking about people over the age of 55, and we’ve got two guys that are over the age of 60. Yes, sure, if you had said that we have way too many blacks working in the city of Wilmington, and we could get white people to work cheaper, that is a violation of Equal Opportunity. There are laws in this country that protect people against discrimination. And what you said in your statement a week ago today, and what you’re proposing for Council to vote on tonight is a violation of state and federal law. Trust me, it will come back to bite us.

Councilman Stuckert: Especially because you're putting up there and putting it out there and encouraging it.

Mayor Riley: You said it.

President Kirchner: Mr. Chairman.

Councilman Stuckert: But go ahead, Mr. President.

President Kirchner: I want to make some clarifications. The proposal that I gave specifically referred to eliminating positions, structural positions. And I want to be very clear on this, it did not talk about eliminating individuals. It talked about eliminating positions.

Service Director Reinsmith: It did.

[Simultaneous speakers from audience]: It did.

President Kirchner: Excuse me. I have the floor.

[Simultaneous comments from audience]

President Kirchner: I have the floor. Sir, I have the floor.

Service Director Reinsmith: Yeah, but you don't have the truth.

President Kirchner: I have the floor. [Hammers gavel] Mr. Reinsmith, you will yield the floor. I noted in that proposal out of respect for the fact that it affected human beings, who they were, and the fact that it was not in any way, shape, or form something that anybody on this Council wished to have to do. But the bottom line is that because we have failed to act to curtail deficit spending, the money is running out. And the proposal was specific to positions to change the structural operating costs of this city. Two of those positions, two individual positions, are unfilled. Two of them had individuals in them. And I simply noted the fact that they would be affected and how by the proposal about the positions. Now, the other thing that I do want to answer and clarify, I have in my packet tonight a letter from the County Commissioners indicating that they are willing to sit down and examine any possibility of working together in a mutually beneficial way of sharing services. So, the process is moving forward. I will also note that my proposal was made with several understandings. One, we ran with a mayoral candidate on our team who is going to be a full-time Mayor, who had been the supervisor of a department, an entire department, at a publicly held hospital who had years of leadership experience at the county political level. It was an understanding that we had leadership here that could address HR because they were here. We have the structure to do it. The idea of working with an HR professional from the county level was simply to make sure we could keep up on any of the necessary updates to state law and requirements. So, the proposal contained a lot of this information. The County is ready to sit down. County Commissioner Pat Haley is here and Pat, if you would have a word.

Commissioner Pat Haley: Sure. Thank you, Mr. President. My name is Patrick Haley. I live at 185 Woods Edge Court, Wilmington. If I may, I do want to clarify any misconceptions. President of City Council did telephone me about a month ago as President of the Board of County Commissioners and asked if we would be interested in discussing consolidation of city and county services. I advised the President that three Commissioners are willing to meet with any elected official or any citizen of the county. The President asked specifically if the county and city could consolidate medical insurance and human resource functions. I advised the President at that time I did not know the legal ramifications involved, but the question could be posed before the full Board of Commissioners and legal counsel if the meeting were scheduled. It's important to note that the city and county are separate entities and each is governed by different sections of the Ohio Revised Code. However, the county is always willing to entertain discussions with the city in the spirit of cooperation. And that's why I'm here tonight.

However, there had been no ongoing talks nor discussions other than the preliminary telephone calls requesting a meeting with the Commissioners. And Mr. President, you did advise of a letter and three Commissioners did ask County Administrator, Mr. Brooker, to write a letter. And if I may, "Clinton County appreciates the current fiscal dynamics taking place within the city of Wilmington. As such, the county is happy to entertain discussions with the city regarding the consolidations of services between Clinton County and the City of Wilmington. When the City of Wilmington has a single point of contact or you decide that you do want to meet with us, we will be glad to do that. But we do need to know the topics and the direction that the city wants to go." And so, I felt like there's probably a little bit of confusion, that all that's occurred has been a telephone call, and we have spoken to other entities about consolidations of services. But it would have to be a full County Commissioner session with three individuals who would discuss it with representatives of the city or village or townships. So, I just wanted to make that point and clarify the positions of the County Commissioners. Thank you.

Councilman McKay: Pat, if I can just ask, so as President Kirchner characterized discussions, actually there have been no substantial discussions and basically just a phone call and a very generic letter sent to Council.

Commissioner Patrick Haley: I think because of the discussions you're having, we've been wanting to wait to see how those discussions come out. We're open as we would be to anybody, to discuss any subject. But no, there have been no meetings. There have been discussions as far as would be willing to meet. And the letter pretty much speaks for itself.

Councilman McKay: Thank you.

Commissioner Patrick Haley: Yes, sir.

Paul Fear: Your HR Director has been on board now, what, two months?

Commissioner Patrick Haley: About four, I think.

President Kirchner: Thank you, Pat.

Commissioner Patrick Haley: I appreciate it very much. Thank you.

President Kirchner: In the proposal, the statement that was made was that I had contacted the President of County Commissioners about his willingness simply to take the idea forward to see if the County Commissioners were willing to speak about it. There were no other specifics talked about.

Councilman McKay: May I make a comment? Several people have talked tonight, and I followed Mr. Jaehnig and Mr. Wallace's discussion and approve of the things that they both said. And I'll make, you know, this pretty short. I did at one point ask – and I don't want to put Bryan Siebenaller on the spot, but Bryan, you did go and talk to city folks. Did you have any difficulty getting the information you needed?

Councilman Siebenaller: No.

Councilman McKay: Thank you.

Councilman Siebenaller: May I add to that though?

Councilman McKay: Oh, absolutely. Yeah, I'll finish when you're done.

Councilman Siebenaller: In my discussions with people I felt would agree with me and probably very much disagree with me over the last several days, as I said, I think it was Tuesday night, the biggest thing to me is the money's running out and this is something that we can do to reduce our deficit and I feel very strongly about working in that direction. So, the majority of my thinking just basically wraps right around that. There was nothing else presented to me as far as costs or deficit reduction.

Councilman McKay: Well, Chairman Stuckert indicated that you had difficulty getting information. So, you're a freshman Councilman, and I just wondered, you know, if you had difficulty getting information. To wrap this up, I think this concept is ill-conceived, ill-timed, not completely or properly researched as has been indicated by this discussion tonight, and really would not make a significant impact. Even though President Kirchner has indicated some figures, I think there's a lot of other net figures that would make this change – the impact of it much less. If I were President/Chief Executive Officer of a company that had this many employees, probably the last thing I would do is get rid of my human resources executive. And lastly, this is the Chief Executive of our city's decision. This is not Council's decision. Council can vote on ideas, but our Mayor is the person that is in charge of our personnel. And we're trying to corner our Mayor with discussions which are really not appropriate at this time couched in the language that our city's going to save money by this action, which in essence would start a process I'm afraid that would send our city completely in the wrong direction and send a lot of information out to the surrounding country that we can't discuss things and make decisions among ourselves. I really would ask in light of everything we've discussed tonight, Chairman Stuckert, that you reconsider bringing this forward tonight.

Councilman Stuckert: So noted.

Councilman McKay: Thank you.

Mayor Riley: I would like to make one other comment, if I may. What Larry Reinsmith was just saying is absolutely true, and President of Council I think misinformed us when he said that he didn't mention names in his proposal. This is the proposal that we received.

President Kirchner: I did not make that statement, Mr. Mayor. That is a complete mischaracterization.

Mayor Riley: You said you didn't mention names.

President Kirchner: What I said was I proposed abolishing positions. I indicated I clearly talked about the human beings that would be affected by the decisions on those positions. That is exactly what I said.

Mayor Riley: The elimination – this is page three, paragraph two, line four. The elimination of that position, talking about the HR Director/Safety Coordinator, the elimination of that position would cause the individual currently serving in the position, Danny Mongold, to be unemployed.

Unknown Speaker: That sounds like a name.

Mayor Riley: That sounds like a name. That sounds like a directed name. And this is what this discussion is revolving around tonight. You take that and couple it with your comments about having people over the age of 55 and we need to have jobs open for young people, and you also take the Equal Opportunity Employment law, which specifically says you cannot discriminate based on race, color, religion, sex, disability, age, genetics, if you pass this tonight, we are setting ourselves up for a lawsuit. We are violating state and federal law exactly the way it's been proposed. I think what Councilman McKay has stated is very reasonable. Let's just cool our jets a little bit, put this to bed, and think about it a little bit further. There are other things that we can do. Tonight you've gotten – there are over 90 recommendations in the packet that the Blue Ribbon Panel passed out tonight. We've got a lot of stuff that we can look at. We've got a lot of work to do, and we have to work together on this. But to start off with something that you know is so divisive that it's going to divide Council and it's also going to set us up again for a lawsuit. And I don't know what Equal Opportunity Employment lawsuits are going for nowadays, but I know from what I've heard they start in the range of about \$250,000 and that's just the penalty part of it. I don't know why we're doing this. And I don't know why we're picking these two individuals specifically. I just don't understand it.

Councilman Stuckert: I'm not picking individuals, period.

President Kirchner: Mr. Chairman?

Councilman Stuckert: Number two, I want to make a little statement here. You want to know why this is happening, Mr. Mayor, you sat back here and at the end of the year three of us up here – three of us up here said we did not want to pass a budget that was in deficit. You said, oh, don't worry about that budget, that's just numbers on paper. That will not be the budget that we end up with. We went ahead and voted against it. Four people voted to pass the budget, that we have a 2012 budget that was passed by a divided Council. Now, you did not hear the three of us going on and on and on about how those four guys are dividing the Council. Didn't hear that. Didn't hear it from you, didn't hear it from us, didn't hear it from anybody. Now, all of the sudden, you've got four people on Council that want to take decisive action. We've wanted to for a long time. We waited. We had Finance Committee meetings. We've waited. We didn't come out with any of these ideas, waiting on ideas to come from the Administration. There has not been ideas from the Administration that's going to significantly alter the path that we're on. That's been coming. So, we have decided to do an act. You've already indicated you're going to veto it. But ever since we've done this act, I believe that we've been under amazing attack. And I'd like to finish. And now you've taken one statement I made at one point, three hour meeting, you took one statement I made in one part and hooked it up with something I didn't say because I didn't mention any people and you got me in danger of a lawsuit. Is this what happens when Council takes responsibility and acts – and acts like a Council, like someone is at the table equally here? Nobody's trying to take over the Administration. We are – you may be the CEO, but we're the Board of Directors.

Mayor Riley: No, you're not. That's not the way it works. Separate, totally separate. It is not President and CEO and Board of Directors. That is not the way it works.

[Simultaneous inaudible comments]

Mayor Riley: It is a full separation of powers.

Councilman Stuckert: Okay. And I agree. I absolutely agree. And I honestly think that what we've gotten into in this town is a number of years of Councils that just wanted to get along and the Administration made decisions and they brought them to Council and Council went along with them. They did not have these kinds of challenges. This is a different day. It's a different Council. We want to be – we feel that we are responsible to constituents. And I'll tell you, I don't want any accounting or anything like that. I'm perfectly willing to put our stand here and future stands, this is not the end, to put future stands that we make on the record as you can put what you're going to do on the record and let's let the voters decide. If this is not what people want, if they don't care anymore than you do about whether we're running one point million dollar deficits year after year and drawing our carryover down, if they don't care, they'll vote me right out because I'm acting inappropriate. I'm not acting in accordance with their wishes. I'm not convinced that we cannot, you know, we cannot reorganize as a city, pull ourselves together, put our heads together and provide the services to the people that we are committed to do and live within our means. Now, we've talked about these tax increases. I've got to point something out. We keep talking about tax increases in the context of the general fund. The people of this city – you know how much money gets spent to run this city? It's somewhere in the neighborhood of \$36 million, \$36 million. If you divide that by 12,000 citizens, that's babies and everything, that's \$3,000 a person. And I'm going to suggest to this Council and to the public of Wilmington that that's enough money to run this city. We have to reorganize some things. We have to rearrange some things so that our general fund works. But we're not asking them to add \$250 to their \$100,000 house or whatever. We're talking the margins. I don't think anybody ever pays any attention to the margins and that we're saying we're adding that to their share of \$36 million. And we've got to be able to run this city with the money that we've got, and we've got to get started trying it. And you know, if you veto the bill, veto the bill, but come back with something. I'm perfectly happy if you come back with something better than we

proposed. I'd be all for it. I'd be all over it. You'd get the vote just like that. Come back with some savings, concrete savings, that we can take off that deficit. That's what we want. And so, are there other comments –

Councilman Wells: I would like to say that this deficit budget has been around for a while, and we've not done anything to eliminate the deficit. It just keeps going on and on. And I'm smart enough to know what's coming. And you know, Mr. Mayor, you've shown no leadership at all in eliminating this deficit. I thought that when we changed the Administration, we would do better. But we haven't. Now, wait a minute, we've got to do something. To just sit around and make believe all the time that it's never going to come, it's coming. And we need to do something. And we've not heard anything.

Councilman McKay: I thought we had a pretty good report tonight.

Councilman Wells: I don't think so. It's just like Loren said, raising taxes –

Councilman McKay: That wasn't the only thing that was proposed.

Mayor Riley: There were 80-some proposals –

Councilman Wells: I haven't read it yet. I haven't read it yet.

[Simultaneous inaudible comments]

President Kirchner: Perhaps you had a pre-copy, but I haven't had time to read it and the activity that's been going on since I –

[Simultaneous inaudible comments]

David Hollingsworth: Can I say one thing? Not a one of you have come to me, and I'm the City Auditor, and asked for any financial information. You may have contacted Mary Kay, but she works for me. If you've had trouble getting information, if it's financial information, I would suggest you come to me. I've had no problem in providing financial information to anybody that's asked for it in due time. I mean, we all – I think most of us have full time jobs outside of being elected officials. So, it may not have been the next day when somebody asked for information, but I will get to it. And when you throw out a number of \$36 million, that's misleading because what makes up that \$36 million? I'm not saying the number's wrong. But you're talking about enterprise funds. You're talking about funds that are generated by grants that are for specific, you know, revenue that comes in for specific purposes. So, to throw out a number to the general public of \$36 million I think is irresponsible and misleading without explaining to them what makes up that \$36 million. And I'm not speaking against what you're proposing or for it. But I think there's a lot of information that's being thrown around and nobody has come to the source. I've had people tell me that people have made mention that the information that comes out of our office is propaganda. Our financial statements are audited every year. And we have received a clean opinion. So, we've got independent accountants looking at our financial information, certifying that those numbers are correct within reasonable parameters. So, if you need information or you don't have information, ask me. I'll provide it to you. But when you start throwing out numbers, that's misleading without explaining where those numbers come from because I can guarantee you the general public sitting out here, they have no idea how fund accounting works, and I'm beginning to wonder if you understand how fund accounting works.

[Applause]

Mayor Riley: I have one more to respond to Don. Early this year, it was January or February, I had heard from a large company who specializes in landfill and solid waste. They had said that our landfill, that they would consider it worth \$40 million. And at that point, I realized that if we could sell the landfill for \$40 million, and in my research I had found out that – at one time I had heard that we were the smallest municipality that had a landfill. Then I found out that we were the only municipality in Ohio that owns a landfill. And I think there's a real good reason for that. The landfill is very complex, a

lot of EPA issues. We actually lose money on the landfill, but we make money by collecting trash. I presented the idea to you and to this Council months ago that we need to consider selling the landfill. \$40 million could help get us through this economic recession. \$40 million could last us for years and years and years to take care of the city, to keep us going. That was a good idea, and I still think it was a good idea. But your response has always been save the landfill. We've got to save the landfill. I've heard that from you several times. Last Thursday, I asked three times, not once, but three times, Don, if you had the choice between saving the landfill and saving the city, which would you choose. And you never answered the questions. I think the people in your ward would really like to know if you have the choice between saving the landfill and saving the city, getting \$40 million in here to save this city, which would you choose?

Councilman Wells: The hospital is in my ward too. And your answer to everything is to sell something.

Mayor Riley: We are broke, my friend.

Councilman Wells: That's right.

Mayor Riley: We are broke. People like to compare government to household incomes. You know, tighten your belt, spend less, do less. We have done that. Then it gets to the point where you need to start selling your assets. You might sell that second car. You might then have to consider selling grandma's jewelry. That landfill out there is valuable. That's grandma's jewelry. If we –

Councilman Wells: If I live out in Warren Knolls, I wouldn't want to have a Rumpke dump right next to me.

Unknown Speaker: Thank you very much.

Councilman Wells: I would not want that. I wouldn't want Wilmington to be –

Mayor Riley: You've already got a landfill right next to you.

Unknown Speaker: But it's not a mountain.

Councilman Wells: It's not a mountain of garbage.

Mayor Riley: You already have a landfill and a wastewater treatment plant right there on Nelson Avenue.

Councilman Wells: That's right.

Mayor Riley: My question is if we have something that is worth \$40 million and could help bail this city out – and by the way, the hospital wasn't sold to generate revenue, the hospital sold because the Board came to us and pointed out that the hospital was going to be bankrupt in five years. And to sell it now, to sell it when we did was the idea. That didn't come from the County Commissioners. That idea came from the hospital Board of Trustees. They presented that to us. And I am somewhat offended that you – what you just said, that I just want to sell stuff because that was not my idea. That idea came from the Board of County Commissioners. And it wasn't done to make money. It was done – we had to choose between having a county hospital or having a hospital in our county. And we chose to have a hospital in our county. So, that is not comparing apples to apples, and I think you know that, but okay.

Councilman Wells: Well, if we had had some leadership to run the hospital properly, we would still have it.

Mayor Riley: Would you choose between selling the landfill or – saving the landfill or saving the city?

Councilman Wells: It's not – that's not the choice.

Councilman Stuckert: Would you choose between reorganizing the internal part of the administration and saving the city, would you choose to reorganize to save the city?

Mayor Riley: We've already done – we've already taken steps to do some reorganization. We have shut some things down. We are moving things together. We're consolidating services out on Nelson Road. There are –

Councilman Stuckert: That is not what I said.

Mayor Riley: Yes, you did.

Councilman Stuckert: I said would you consider reorganizing the positions that we've talked about here if that would save the city?

Mayor Riley: We are looking at reorganizing positions. That's what I just said. We are doing that.

[Simultaneous inaudible comments]

Mayor Riley: When you look through the Blue Ribbon summary report, you'll see that a lot of that is taking place already. I can't ask permission from the Council every time I decide to do something that's administrative. We've been making progress. We have been doing things all along. So –

President Kirchner: Mr. Chairman, I do have a few things that I would like to address. Just to make sure that we keep accurate information out there, Councilman McKay had indicated that this is completely a mayoral area of decision-making. And I would like to point out that to create a position at the city requires legislation from its legislative body. To fund a position at the city requires legislation from its legislative body. To abolish a position at the city requires legislation from its legislative body and to defund or reverse appropriate from that position requires legislative action from its legislative body. The indication that what was proposed is anything but a legislative responsibility is incorrect. And the representation that this decision is not Council's to be able to abolish positions is incorrect, and I do not want to leave that misinformation out there for the public to be confused by.

Councilman McKay: I appreciate that –

President Kirchner: And I would also offer to the Auditor, Mr. Auditor, in conversations earlier this year, analysis of finances, I came to you with the request, "Can we find a way to present the line by line item by item expenditures out of individual lines?" I've asked that multiple times. I have even sent an email. I have never received an answer to that question of the capability for this Council to be able to see that information without having to print copies for all of them of every expenditure. And that was the question. You indicated that all is we have to do is ask. I've asked multiple times, sometimes verbally, one time that I know of through an email, and have never received an answer to that request. So, I will say that I have had experience where I have not gotten information that I have asked for in our ability to be able to provide Council the ability to analyze the finances of the city. That's my experience.

David Hollingsworth: I give you a report on a regular basis that analyzes the general fund with the revenue. If you want to see every invoice that passes through my office, the information's over there. You can come in my conference room that's open, you can sit down and you can go through any invoice you want to go through. But I have on a regular basis, have I not, provided you folks with a report on the general fund.

President Kirchner: We do receive that. And I didn't indicate that we hadn't. What I indicated was that I had asked for the ability to more detail –

David Hollingsworth: Well, what detail...?

President Kirchner: It was just me moving on the chair, by the way, if that's what you're laughing at, Jonathan. What I indicated was the ability to look at individual expenditures down inside the line items because some of the line items are –

David Hollingsworth: Those reports are generated every month. You can go down and sit in the conference room and go through anything you want.

President Kirchner: Individual physical copies; correct?

David Hollingsworth: Yes.

President Kirchner: And my request was can we find a way to electronically present it to –

David Hollingsworth: Not in an easy way.

President Kirchner: That's what I was getting at was the request to try and lower costs of providing that information during budget work sessions. That was simply where I was, and I did not get a response to it. That's simply my experience. Mr. Mayor, I will say that to me you asked the question if you could save the city or save the landfill, which will you save? And I will tell you that I believe it is an absurd question. It is absolutely absurd. If you could save the city from bankruptcy by eliminating these four positions, would you do that? And that's a real question because that is where we are headed. When the money is gone and the expenses are there, it is bankruptcy that we will head towards.

Mayor Riley: I wouldn't – you asked me a good question. I wouldn't do that because it is a violation of the law. What you're asking Council to do tonight is a violation of the law by specifically eliminating two people who are over the age of 60, that is a violation of the law, and you're setting yourselves up for a horrible exposure from a legal point of view. And I think that that's just the wrong thing to do. This whole fiasco tonight has been misguided. It's an ill-conceived idea and it's also an illegal idea. But I think we've had plenty of conversation.

President Kirchner: I was not through with the floor.

Mayor Riley: Oh, you've still got it.

President Kirchner: I have heard multiple times ill-conceived, uninvestigated, ill-timed about this idea. And I will ask all of you that have said it who have been here through all of these deficit budgets, when will the next deficit budget get the exact same reaction from you? This city is headed for a zero account balance, and that means that all positions have to worry about existing, being able to be compensated, and every citizen has to worry about whether or not we can afford to make payroll for their policemen, their firefighters, their EMTs. At some point, and gentlemen, we've held multiple work sessions where ideas could come out. I'm glad the Mayor was so forthcoming to his Blue Ribbon Panel with all that he's doing, but none of that was shared in the budget work sessions with this Council, which are the only constitutional representatives of the people, not an appointed Blue Ribbon Panel. If you gentlemen think this idea is so ill-conceived, bring forward another idea that saves \$400,000. We will consider it. But so far, all as I've heard is revenue, revenue, revenue. That's what you want to focus on. I don't think that's what the people can afford. And I think they need us to sharpen our pencils, our minds, and work together to live within the means that we have. That's why I brought this proposal forward about positions, not people over 60. Mr. Mayor, no matter what your interpretation is, it was simply about changing the operational structure of the administration of this city, specific positions. And I will gladly and have provided to the News Journal the entire proposal that the Mayor would like to take something out of context in.

Councilman Jaehnig: Mr. President.

President Kirchner: It's still Chairman Stuckert's floor.

Councilman Jaehnig: The question that you asked in regards to saving the city or saving the four positions, I would have no problem in getting rid of these four positions to save the city. That's not my issue. I don't have an issue with that at all. The only thing that I ask is that we do our due diligence and our homework to show that for a fact we are saving money. That was my point. That's what I explained and laid out. None of those concerns that I put forward have been answered by the administration, by the President, or by Council. They haven't even been asked until the point that I brought them up. The reason they haven't been asked is because the majority of those questions are only known by people that have worked in HR. The reason, whether it's intentional or unintentional... Do I truly believe that Councilman Stuckert intentionally wants to get rid of old people and bring in young people to save the city money? No, I don't believe he intentionally meant that. Unfortunately, in the law, what his intentions were and what he said are two different things. And we've seen jury after jury in lawsuit after lawsuit go based on what was said instead of what was meant. And in HR specifically, that's one of the things that they consistently drive home. I've been through over 250 hours of HR training in the 20 years that I did HR with Conway. And it is an unbelievably complex thing. And whether again, intended or not, while I do not believe that you are looking to specifically get rid of those specific individuals, and that you were trying to show compassion for the fact that those would be the individuals affected, the fact that you put those in the same document is a violation, whether it's intended or not.

President Kirchner: From a legal standpoint, your legal opinion is that that is a violation of law is what you're indicating, Councilman Jaehnig?

Councilman Jaehnig: I don't tell you – from an HR point of view –

President Kirchner: I wrote it originally completely cleansed of any names and read it and realized that it completely ignored the human factor of the people that would be affected. Just calling them individuals was a rude and insensitive acknowledgement of the fact that individuals would be affected by the proposed change to positions and the structure of the city. There it is for everyone to read and I will encourage the News Journal to print it exactly as you were provided it the night it was given, emailed to you. I will encourage the News Journal to put the entire thing out for the public to determine for themselves because the public has the ability to form their own opinion of what they think was or wasn't said, was or wasn't meant instead of listening to a perhaps tainted analysis of what was intended.

Councilman Jaehnig: I said your intentions were not to do that. I specifically stated that I do not believe that your intentions were to do that. Let me ask a question. Have you ever gone through or been an HR person?

President Kirchner: I have done some HR training. I have not held an HR position. I'm an engineer.

Councilman Jaehnig: Okay.

Councilman McKay: Rob, Can I ask – and this will take just two minutes. We've been at this almost two hours. We've got more of them to do. But our Law Director, who is a legal opinion, discussed this earlier tonight, and I'm not sure exactly what he said. And I'm not sure that he can well advise us completely, but can you repeat that, Mr. Law Director, how you characterized your opinion?

Law Director Brian Shidaker: As Councilman Jaehnig stated, labor law is incredibly complex. If we are sued, the city is sued by employees who have adversely been affected by Council's decision, I would be held with the responsibility of representing the city in a lawsuit along with the insurance carrier for the city. So, I'm not going to sit here and state whether or not I feel like we would win or lose in a lawsuit. If you ask me do I believe we will be sued, my answer would be yes, I believe we would be sued.

Councilman McKay: I think that that pretty much answers all this rhetoric that maybe we ought to sit on this at least one more meeting to make sure we have proper legal

information before we go forward. Now, if you choose not to do that, Councilman Stuckert – well, I’m not going to –

Councilman Stuckert: I’ll add it to the list of things that you’re disappointed with.

[Simultaneous inaudible comments]

Councilman Siebenaller: Can I ask the Law Director a question? Based on what you just said that we would probably be sued, does that have to do with comments made or content of the ordinance?

Law Director Brian Shidaker: Both.

Councilman McKay: It’s just a bad idea to go forward tonight.

President Kirchner: Mr. Law Director, is it true that any employee that has left our employ this year could sue us for any claim they chose to?

Law Director Brian Shidaker: Yes.

President Kirchner: Basically anyone can sue for anything. It’s whether or not they can prove it in a court of law that matters.

Councilman McKay: That’s why we have Human Resources and that’s why we try not to set ourselves up for situations where we’d be sued. If we go forward with this, it would be ludicrous because we’ve already been given an opinion by our Law Director that this is a mistake.

President Kirchner: Actually, that is incorrect. That is incorrect because I asked the Law Director specifically that question before this evening’s meeting whether or not there was anything in this action structurally that on its face violated law. And the indication was no, there is not anything on its face. And he did share with me the exact same thing, it doesn’t mean you won’t be sued. The bottom line is that I think that it’s time for this Council and this administration to bring leadership to this city to get the budget in control. And I would love to have seen this much resistance to deficit budgets and challenges to overspending throughout the years that we’ve done this. But the bottom line is the can has been kicked down to this end of the road, and this Council I think needs to act to bring responsibility and accountability back to public office. If we don’t balance our budget here in Wilmington, where will it ever be balanced?

Councilman McKay: I’m ashamed. All we’ve heard is rhetoric tonight, especially from you, Mr. President.

President Kirchner: I believe you have a presentation of legislation that isn’t rhetoric. It’s actually a decision. It’s an action. It’s a responsible approach to putting an idea forward. It’s not rhetoric, Councilman McKay. It is legislation.

Councilman McKay: I’m not talking about the legislation. I’m talking about you.

President Kirchner: Duly noted, Councilman.

Councilman Stuckert: Mr. President, I think we’ve discussed enough. With your permission, I’d like to make a motion.

Clerk of Council Brenda Woods: We have a motion and a second already on the floor.

President Kirchner: We do. That’s what started this discussion.

Councilman Wells: It’s already been seconded.

President Kirchner: It has already been –

Councilman Stuckert: That was on the amended.

President Kirchner: No. It was for the first reading. It was for the first reading. At this point, I will ask all in favor of the first reading of this legislation, say aye.

Councilman McKay: Call for a roll call.

President Kirchner: Roll call, please.

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

Director of Law read the ordinance by title only.

Councilman Stuckert requested that the second reading be placed on the agenda for the next council meeting.

President Kirchner: Very good, a second reading. Anything else, Councilman Stuckert?

Councilman Stuckert: Mr. President, I have nothing else.

President Kirchner: That's good. Safety Committee.

Safety Committee – Chairperson Wells: Mr. President, tonight I have three readings on a resolution authorizing the Mayor to sign an agreement regarding the payment of fees for transportation services or police escort services related to mental health crisis interventions and declaring an emergency.

A motion was made by Wells and seconded by McKay to give the first reading only on the resolution Authorizing the mayor to Sign an Agreement Regarding the Payment of Fees for Transportation Services or Police Escort Services Related to Mental Health Crisis Interventions, and Declaring an Emergency.

President of Council called for discussion.

President Kirchner: Duane, did you want to say anything about this?

Duane Weyand: If you've got a question, I'll answer it.

President Kirchner: Does anybody have a question?

Seeing none, President called for a vote.

Motion passed.

Director of Law read the 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: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes.

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Resolution No. 2293 passed as read.

President Kirchner: Anything else?

Councilman Wells: That's all, Mr. President.

President Kirchner: Thank you, Don. Downtown Revitalization Committee.

Downtown Revitalization Committee – Convener McKay: I'd like Steve to talk about a party we're going to have Friday night.

Steve Brown: Third Friday, this Friday, RetroVibes from Cincinnati is coming in the rear parking lot, music seven to 11. Everyone's invited for fun.

[Laughter]

Councilman McKay: Sounds like a fun. That's all I have, Mr. President.

President Kirchner: We will try and only bring fun, Steve. We promise. And if this isn't fun, tell me what is. Thank you, Mark. Parks and Recreation Committee.

Parks and Recreation Committee – Convener Jaehnig: I have no legislation, but a quick report from the Parks Board. They wanted to give a shout-out to the folks that participated in the Passport to Fishing program this past Saturday. They had over 40 plus kids that participated. The Park Service as Ashleigh Achor talked a little bit earlier has a Facebook page now, and you can go on that page and see some of the pictures and some of the things that they've been doing. And soccer registration will be beginning very soon out there. Also, this is the last night, if you hurry and race home, this is the last night that the Escape is still available on govdeals.com. So, you might get yourself a steal. So, please race home and bid high. And then, a special thank you goes out to John Stanforth and the staff at Grow Food Grow Hope for all of their help during the playground restoration out at the Denver Park. Thank you, Mr. President.

President Kirchner: I would offer one point of clarification. Knowing that we have a piece of property called the Escape, and we have a vehicle known as the Escape, let's be clear that is –

Councilman Jaehnig: I don't know, whatever's going to get the highest price right now for the Parks.

President Kirchner: The gov.deals does not have the Escape establishment on auction tonight. Thank you, Rob. Income and Levy Tax Committee.

Income and Levy Tax Committee – Chairperson Jaehnig: We did have a committee meeting tonight, and we are in the final stages of information gathering, and we do fully expect to be reporting back out to Council at the August 2nd regularly scheduled Council meeting.

President Kirchner: Very good. Mr. Service Director.

Service Director Reinsmith: No report, Mr. President.

President Kirchner: Thank you. Mr. Safety Director.

Safety Director Burton: No report tonight.

A motion was made by Wells and seconded by Mead to accept the Auditor-Treasurer's Report – June 2012, and the Treasurer's Office Statement of Earned Interest – First 6 months of 2012, as received.

Motion passed.

Reports accepted as presented.

Councilman Jaehnig: Can I have a question, please. I wanted to ask the Treasurer how the interest revenues were compared to past years.

Treasurer Paul Fear: They're down from previous years because the interest rates are down. We have just reinvested at some higher rates that are getting a yield of like .78, .87 for an average yield right now on the portfolio of .4 as to previous year it was .26. So, we expect – it's down for the first six months. We expect in the second half of the year to be up.

President Kirchner: Thank you very much.

President Kirchner: At this point in the meeting, we will open the meeting to the public. I would like to say that it's actually enjoyable to see the entire audience section filled. We do have on the books a rule about the length of time spoken, which I do not care to use. If all of you are here to speak though, in the interest of giving everyone an opportunity, we would ask discretion with the amount of time. Could I have a show of hands of how many folks would like to speak up here at the podium publicly? I have seen two. So, we will not be putting – perhaps three. We will not be putting a time limit on. I will ask everyone to be respectful in case others do. If you would like to speak before the Council, come up to the podium, please state your name and address for the record.

Terry Habermehl: My name is Terry Habermehl, and I live at 806 Crestview Avenue in Wilmington, and I just will be brief. I would like to say, Mr. Mayor, if you would be very cautious in proceeding with the landfill only in the respect that I live two blocks from it, and I don't really want to drive out of my neighborhood and see a Rumpke mountain every day. And I will also say that I agree with you 100 percent that HR is one of the last positions you should cut. The County Commissioners actually discussed the possibility of eliminating the HR position when our previous administrator left, and Commissioner Haley can probably do it better than I can, but I know as a result of the fact that they were elected officials telling the Commissioners how important they thought that position was, they hired a new director. And I thank you for your time. It's been most educational.

[Laughter]

Delmas King, Jr.: Delmas King, Jr., 45 Lee Lane here in Wilmington, Ohio. And just a few ideas, thoughts is that when these positions are abolished, if services has to be contracted out, then the cost of these services is one thing. And the other thing is trying to fill these positions through other names for them than what's been in the past I think would be deceitful to the people here in Wilmington. And the other thing is that looking ahead a little bit to new businesses coming into the area that if they look up our infrastructure and see that half of it or a third of it has been abolished, what's this going to do to them as far as expanding in the area and wanting to grow in the area. They may look down on us and say, well, you know, they don't have the infrastructure that we actually need to be able to support our business. Small businesses may come and go, but a large company is going to look at the infrastructure, how strong it is. And just upon some of the remarks that's been made here tonight, I see raised that things could be cut, worked out other than abolishing these positions, and save money to the taxpayers and to the community. I know things has to be cut to get the expense down. But there's other ways to do it than abolishing positions because you're doing away with those positions. And companies that's wanting to expand and grow are going to look at that and coming into a community. And that's my – just my food for thought. There ought to be other ways to do it. And after the comments tonight here, it seemed like there are other ways that it could move forward. Thank you.

President Kirchner: Thank you, Delmas.

William Liermann: William Liermann, 1069 Linhof Road. For several years, had a chance to sit up there on the gallery and be a Councilman. I just wanted a point of clarification because I did happen to hear a couple of different references resolution versus ordinance. I want to be perfectly clear, and I think the people in the public need to know too, it was acting on an ordinance and not a resolution; is that correct?

Law Director Brian Shidaker: That's correct.

William Lierman: Okay. The only question I have it seems somewhat ambiguous when it says earliest date allowed between law. Is it that you can't determine the date or is that – that's the clarification. That's what I'm asking.

President Kirchner: The reason was that after the Committee voted to move it forward, the legislation was created by pulling the last piece of legislation – this is my understanding of what occurred – that had position abolishment in it. In that language, there was a specific date given. The thought was at the time it was typed in this would complete August 2<sup>nd</sup>. But the knowledge of whether or not this passes on a known date and has that in the legislation is not possible for us to know at this time. The reason the language was changed was to reflect the fact that there are any number of things that could not make it pass on that date, including a lack of passage by Council, including a need for an additional reading, a delay for some reason in a regular meeting. The language was changed at the Law Director's review to indicate what he felt legally was appropriate.

William Lierman: Okay. And the reason I ask is because when you passed the last budget, was that just a bi-annual budget? Was that a two-year budget or just a one year?

President Kirchner: It was a one-year budget.

William Lierman: I just wanted that clarified, and I wanted to make sure that everybody knew it was a resolution or whether it was an ordinance.

Duane Weyand: I brought this up last Thursday, and I'll ask again. Has anybody has a chance to job shadow any of the employees that's affected out of this? I know Rob has. If you're looking for savings, I have no problem with doing away with the Assistant Chief's position. At the end of the year, it's not going to be funded anyway. You know, we need officers on the road. And I understand the concept of lowering cost for administration. We've been picking up the responsibilities of code enforcement through the police department by using officers, our parking enforcement restructured some stuff. So, you know, I'm cool with it more or less. But I'll tell you from experience of working here pre Danny Mongold is that a lot of the departments have a tendency to run on their own. When you have departments running on their own, you have issues that's come up. I know in the police department, we've had a pretty significant lawsuits that we had to settle out of court, a prime example of why having HR is very significant. So, you're going to find yourself paying more in the long run. I'll also say that having Denny around, he's instrumental in coming out all hours of the night, bringing sand, saves you a lot of money. He's also a friend of the business people. I go to a lot of meetings, and I've seen his presence. Here's a guy that comes out on weekends, gets the barricades for downtown, gets them picked up, and makes all this stuff happen, and he's on a salary. So, at the end of the day between Danny, Denny, myself, and many others, we're doing a lot to save by being salaried employees and working overtime [inaudible]. So I know for myself, you know, I don't work less than 90 hours in a pay period, and I don't want to. You know, I'm here to good what's good for the best. I'm here to make the fire department wonderful, and I'm here to work for the people that are in my department. And I know all the rest of them do the same. But I'll also tell you that every department in here needs HR. There's a lot of stuff that we deal with the police department. We have currently two collective bargaining agreements that we have here. There's also one for the fire department. There's a lot of stuff that goes on that is intent, what is the intent of this specific language, okay. And on that stuff, you have to go back to your notes or go back to the meetings that happened [inaudible] okay. And so, by losing your HR person, you're going to lose what is the intent, okay. And in the long run, [inaudible over coughing] more money? Possibly. But merging with another HR department that hasn't sat through collective bargaining agreements or the negotiations, they have no idea what the intent is. They don't even understand what our contract is. So, there's a lot of things I think you need to look at and research before you progress on this. Like I said, you want to cut two positions, that's great. You're going to save yourselves \$160,000. I don't know what the benefits equal. So, there's a good significant chunk. But I'd ask you go sit in Mongold's office and job shadow. Just see how many of us come in there and bend his ear about different things that we're experiencing through employee issues. We are an employee-driven department, employee-driven city. And so, there's employee issues that happen every day. And many of them when we actually tested for the chief – I'm sorry – for the patrol officer's position, he was inundated with calls from places like, you know, are we an Equal Employment Opportunity place. You know, we had to go through and find out, you know, what are we doing to market

ourselves and to actually get out there so that we're reaching minorities. Who has time for that? The other thing is what happens when we take that position away and we're all left with doing risk management. Okay? I don't have time for risk management, you know. I'm busy right now. I'm dispatching. I do prisoner transports. I'm lucky if I have time to do Chief of Police work. Okay? So, you need to ask yourself, risk management, what's that cost you? What's the savings to you? Okay? So, as you take that away, you think well [inaudible] enough, we'll find someone else that's qualified. You know, the people we have qualified are people we have left to carry the water within the city is dwindling. So, I ask you, you know, to job shadow. See what's going on. You know, don't just sit up there and make decisions, making poor decisions. Come ride with us. Come sit in my office. Come look at my line items. And I said this the last time, you know, we've talked about having finance committee meetings, I've been to numerous finance committee meetings where I've sat here and twiddled my thumbs and nobody asked a single question because we was too busy hashing out other issues. If you're a chair of each specific department, come sit with them. Go line by line item and see what are you spending, how are you spending it. Challenge me. I would love to be challenged. I could show you I rub pennies together all day and turn them into nickels because that's what I am tasked to do. Okay? So, come ride with us. Come job shadow. Do what you've got to do to make an informed decision. I'm Duane Weyand, and I approve this message.

[Laughter & Applause]

Nick Eveland: Mr. Mayor and Mr. President, my name is Nick Eveland. I live at 853 North Lincoln Street here in Wilmington. I want to first tell you what fun it was to serve on the Mayor's Blue Ribbon Committee, and to renew some old friendships and enjoy some good times with some very dedicated people who have served the city well over a number of years, and it was great and I really appreciated it. And you guys did a great job, couldn't imagine anything going better. But a couple of things came out of that meeting, several things. And one of them was, you know, we don't like taxes any more than anybody else does. We don't see a great joy in anybody's mind about trying to raise taxes. And I understand your concern about trying to hold the line on expenditures. I understand that very clearly. But one of the things that came out of the committee and the reason for our recommendation to take to the voters the idea of a half-percent tax increase is that A) it would get you not only past your problem right now, but it would get you down the road a little bit farther without having to kick the can. You could address the issue. So, I understand your reluctance to even consider a tax. However, Mr. President, I've heard you tonight several times say trust in the voters. The voters will speak. Listen to the voters. I heard the same thing from Mr. Stuckert. Councilman Stuckert said "If the voters don't like me, vote me out." What I'm encouraging you to do tonight, I believe hopefully on behalf of the committee, and if anybody takes umbrage at this, please speak up. What we're asking you to do is put it to the voters. You don't have to approve of doing it. You don't even have to endorse it. But if the citizens of this community want to maintain the level of services that they have now, and I believe most of them are very happy with the level of services they have now, give them a chance to vote on it. That's the only thing, you know, I've had issues in my life that have been voted up, and I've had issues that have been voted down. But I've never questioned the wisdom of the voters. And I think if you give them that chance, they'll make the right decision. So, I would encourage you to do that. Secondly, the other thing I'm unclear on is you've got about a one and a half million dollar problem with the general fund. I understand that. I don't understand, though, how abolishing these four positions, only two of which are filled, could possibly result in a four to \$500,000 savings by the year 2015 when, in fact, if I'm hearing right, nobody's really gotten hard numbers from the auditor. David, is that correct?

Auditor David Hollingsworth: No one has come to me.

Nick Eveland: You've taken the task tonight to move it along to the next level. You'll have your second reading at the next meeting. But I would strongly encourage all of you to get real hard numbers. When you're talking about abolishing people's positions and people's lives, and compromising potentially the services that our citizens are getting, I think you need to have all the facts before you. That's all I have. Thank you,

Mr. President.

President Kirchner: Thank you, Mayor Eveland. I would offer –

[Applause]

President Kirchner: To Mayor Eveland's point, and I want to be sure that the public knows, the numbers presented and especially – are directly out of city documents. These are exact costs, exact salaries, exact amounts of benefit costs, of Medicare costs directly out of our budget. There is no conjecture here. There is no we haven't looked at it. These are actual numbers. I just didn't have to go ask the Auditor for them. I had gotten the documents elsewhere. But these are actual numbers. There are no made up numbers here. They can all be verified right back through the documents that note the salaries of our current positions, the budget for our line items, and the actual expenditures necessary under things like PERS, Medicare. They're all right there. These are actual numbers. So, I don't want anyone thinking that these numbers aren't specific, accurate and real.

Nick Eveland: Mr. President, I'm not saying that you were wrong in your numbers. All I'm saying is that we have an elected Auditor who I, you know, just as a concerned citizen, I'd like to have the Auditor verify those numbers and see if everything is there, not that what you have is wrong.

President Kirchner: You have a copy of it.

Nick Eveland: But if everything is considered in that.

Auditor David Hollingsworth: Can I make just one quick comment? I think the piece that's missing, I think – nobody has come up with what the additional cost is going to be by not having those folks here. I mean, it's real easy to come up with the hard numbers on what their salary and what their benefits are. That's not hard to do. But I think the missing component is what is it going to cost the city by having to go to outside counsel or outside consultants to address the HR issues that come up. I think that's the part that's missing. So, I think that to say that the city is going to save "X" amount of dollars, you're only looking at half the picture in my estimation. Am I correct? I mean –

Councilman Stuckert: Well, the only objection I would make to that is you're basing it on the assumption that when that position is eliminated, there's nothing that can be done. And we're talking about people pulling together and doing all kinds of things.

Auditor David Hollingsworth: Well, no, what I'm saying is you've got issues that are going to come up that are specific to someone that has to have experience in HR, and in the labor laws that apply. And I don't think you've got anyone else in-house that has that experience. Now, you say can you train someone. Well, there's going to be a cost associated with that training. And if you train someone in HR, I would assume under our civil service, it's going to qualify them probably for a higher salary or more compensation.

Councilman Stuckert: Well, what I'm getting at also I would think from my viewpoint, if this analysis is that critical and the administration is that interested in finding out where things can be done that every job would have been analyzed by now, and we would already have information on what would happen if we eliminated this job, if we had to do – what could we do. I would think all that would already be done. It would be a matter of giving it to Council when we consider this. None of it's been done. And yet, now we bring forth a proposal two – over two years into deficit budgets, and now we're almost criminal because we're trying to do this without –

Auditor David Hollingsworth: Let me just make one quick –

Councilman Stuckert: – without doing the job that I think you guys should have already done.

Auditor David Hollingsworth: No. I don't think it's my position to determine –

Councilman Stuckert: I'm not saying you directly.

Auditor David Hollingsworth: Well, no. But I don't think it's my position to determine how many police officers we need on the street, okay, patrolling the streets. That's not my decision. I don't think that's the determination that should come out of my office.

Councilman Stuckert: Right.

Auditor David Hollingsworth: I can tell you the cost associated with that police officer. And I think that's – I've said this before, I think that's – I think what we need to take a look at is what services do the citizens want, and how many people is it going to take to fill those positions to provide that service. Then what's the cost associated with that. And then, what kind of revenue do we need to cover those costs. And I've said this before, the city, we don't sell anything, we don't make anything. We provide services to the citizens. And I assume they expect a reasonable service for the tax dollars that they're paying. What is that reasonable level of service, and what kind of revenues is it going to take to provide that. And I think that's all Mayor Eveland, the comment that he made, and I'm not saying you need a half a percent tax increase. That just came out of the committee meeting. But if there is a tax increase that we feel that's needed to provide these basic services, let the voters decide that. You're not forcing it on them. Let them have their voice.

Nick Eveland: Mr. President, that was exactly what I was trying to say, David. And thank you very much. I appreciate you clarifying that. The other thing I'd say, though, is that what I heard tonight in the meeting was – from the Law Director was that while he couldn't forecast the outcome of a lawsuit, he pretty well thinks that there probably would be one if you abolish those positions. I'd encourage you to take the cost of outside counsel the cost of that lawsuit off of your \$400,000 savings, and you can find out from Brian what that is.

President Kirchner: Duly noted, Mr. Mayor. I will say this because I've heard a lot tonight about why eliminating these positions would cost the city more. Let me give you the reality of the budget. If we make the revenue this year we are expecting and we spend the money we planned, we cannot do the same thing next year because we will have less than we need to do the exact same thing next year assuming that our revenue stays as high as it is expected to this year. And we don't even yet know if that will happen. What I will tell you is when you get to zero, I suspect every employee here whose paycheck doesn't come or benefits aren't paid for will file a lawsuit. So, it's a deal with it now and responsibly or deal with it later. But folks will always be able to sue and probably always can. I mean it's not something we can avoid. But the responsibility to balance this budget has stayed with this Council from the beginning. And I think that these gentlemen are courageous in bringing it forward. I think it's a responsibility that our citizens have had to do, not by choice, but have had to do. Many have lost not just some income, but have lost all income. They have lost their homes. They have lost their healthcare. And the idea that we go to them and tell them we want more, not to try and live within our means, to me that is not the leadership that they voted us in here to bring. The voters did speak. They spoke last fall, and they voted this Council into office, and they wanted them to balance this budget and to live within our means is what I believe. And if that is incorrect, and Councilman Stuckert is correct, they will vote us right out this coming year, and they will vote in people that will continue deficit spending and raising taxes. That's what I believe.

Nick Eveland: And with all due respect, Mr. President, you've got a budget that you've got to balance anyway. The state law says you've got to balance it. The question is how you go about doing it, and whether you take an action tonight that I frankly, you know, I heard ill-conceived, I heard ill-timed, you know. Be that the case or not, I don't think you've got the facts. I don't think you know what it's going to cost you to eliminate those positions. Until you do, then I think I'd hold off on your vote. That's all I'm saying.

President Kirchner: Duly noted. And thank you for the input, Mr. Mayor. We do appreciate you coming up, and we appreciate your support of the Mayor's Blue Ribbon Panel to give him advice –

Nick Eveland: – and I don't wish –

President Kirchner: You've been up here. You know how it is. You know, I'm just glad you're being nice and smiling while you say it.

Councilman Stuckert: I want to make a couple points, and among the other things that I said that didn't get mentioned tonight is I was consulting, and that's where this percentage came out that was used. But I mean, I was consulting a report that was included in a place called the National League of Cities. It has 19,000 cities in there. And among the other things that were said in there is that 72 percent of those cities have reduced their workforce. And this is something that's going on all over the place. Now, that's the end of that. I want to make a comment of more of a personal note. There's been a lot of going back and forth here. We have divided government. We have executive, we have a legislative. That's how it's supposed to be. But I do not want it to go unsaid or implied in any other way other than when I came back to this town a number of years ago, I became familiar with a lot of – virtually everybody that's on the Blue Ribbon Committee and everybody else. And when it comes to a Danny Mongold or a Sandy Mongold or a Fred Ertel or a Randy Riley or any of these people, I have always held them in the highest esteem in my own mind, and I still do. And I hope that that can still be recognized by them certainly because I care how they feel. These are people that I think are honorable. But in the world of decision-making in government, you have to be willing to go to the mat with your best friend over ideas. And that's all we're trying to do. Oh, I've not been around long enough to deliver it in a polished manner that some are. But that's all I'm doing. I'm delivering ideas. And I, you know, what we end up deciding on those taxes, I do not know. But I know this much, when I take the Council hat off and I go back and I sit in my house and I visualize somebody coming to me and saying I need more money, more revenue, and they have not – they have not cut anything in their existing force and they are sitting there with additions that were made in times that were financially more prosperous, and I – and the 36 million I understand is enterprise zones and the bottom line is other than you take the grants out, we all pay those. So, it isn't about whether I understand what an enterprise zone is, it's what comes out of my pocket. And that extra money I've got to make that decision on. And I just don't have a lot of confidence that given that choice, we're going to end up with more revenue. And I would love it if we could work together and do all the analysis so we – with the complete confidence in everybody here, eliminate some positions and know that we would generally save money. But to now lay that lack of analysis at the feet of a committee of Council I don't think is fair, because if it was that important that we have screwed up so bad because we didn't do that first, then it should have been done by now. It should have been an item that would be brought to us.

Mayor Riley: And it wasn't because it was not a good idea. We've done this analysis. We are running this city on a bare bones budget. Ask any of the Superintendents, any of the supervisors. They have cut and cut and cut. And we've said that numerous times, but no one's listening. We need to look at revenue. It is not just a spending problem. It is a revenue problem. We need to look at that.

Auditor David Hollingsworth: Well, Loren, you kind of directed your fingers toward me. Nobody – well, until tonight, I mean the positions that were going to be eliminated have even changed from what Scott mentioned in his letter to the legislation that's here tonight. And you know, without somebody coming to me and saying here are the positions that we want to eliminate, and Scott probably has correct information on the weight side, but nobody has sat down with anyone, Mayor or otherwise, what is it going to cost if we eliminate these positions to still provide these services whether we do it internally with someone else taking their spot and absorbing those duties, if that's even practical or what's it going to cost if we have to go to outside sources. That's all I'm saying. And until tonight, I had no idea what positions you're even talking about eliminating.

Councilman Stuckert: Well, before tonight –

Auditor David Hollingsworth: Well, no. Has anybody brought that to me?

Councilman Stuckert: But you were aware of what we did last Thursday?

Auditor David Hollingsworth: The positions have changed, have they not?

President Kirchner: No. Actually, the four positions recommended –

Auditor David Hollingsworth: Well, it was Larry –

President Kirchner: That's incorrect. That's incorrect.

Auditor David Hollingsworth: Well, here's all I'm saying is nobody has come to my office or collectively, okay, and said here's what we would like to do, let's analyze this, you know, what are these salaries and then what's it going to cost.

Councilman Stuckert: I'd like to see an analysis on every single position in the administrative branch of government, every single position.

Auditor David Hollingsworth: Well, what I'm saying is –

Councilman Stuckert: Can you provide that?

Auditor David Hollingsworth: I don't think you're understanding what I'm saying. I'm saying you don't know what the cost is. Follow me.

Councilman Stuckert: Can you provide it?

Auditor David Hollingsworth: No. I have no idea what it's going to cost –

Councilman Stuckert: Then we shouldn't do it because we don't know what the cost –

Auditor David Hollingsworth: I'm not – I have not said that you don't do it. I said collectively you need to get the people together that know what it's going to take to provide those HR services, whether that's the Mayor or whoever's going to be in that position. What's it going to cost us to go outside and contract those? Does that make sense?

Councilman Stuckert: It makes sense. But it doesn't make sense when you tell me I have to come in here and do it because I will be honest with you, I am a fulltime school teacher. I'm going to be going back to school pretty soon. I don't have that kind of time to do that.

Auditor David Hollingsworth: Well, I'm a fulltime CPA.

Councilman Stuckert: – I'm saying to you as a Councilman do it. Do it. Do what you want me to ask you to do.

Auditor David Hollingsworth: Well, all I'm saying is you probably want to do that before you bring the legislation forward. That's all I'm saying. You're kind of putting the cart before the horse.

President Kirchner: I will offer to Council and to the Auditor an answer to that. I did try and have these discussions with the Mayor specifically about abolishment of these positions, a realignment of the duties, and the Mayor unequivocally and very directly said to me, you will not talk to me about that, that is an administrative right. And I left it alone. The Mayor made it very clear that we were not to get into his area of responsibility. I did attempt to have the conversation though, and he did not wish to have it with me.

Mayor Riley: That is absolutely not true anymore than what you said a while ago about Larry Reinsmith's position. I just reread what you presented to us two weeks ago, and you're talking about me getting rid of Larry Reinsmith and putting Denny in Larry's position. It very clearly says that.

President Kirchner: He indicated that we were looking at getting rid of Larry Reinsmith's position. That is not what was recommended. The Service Director's position is required by the ORC, and cannot be gotten rid of. Councilman Hockaday?

David Hockaday: David Hockaday, 348 West Main Street. And again, as I've been before Council on numerous times, I'm hesitant to speak because I've sat in your chair. But Loren, to your question, civil service can give you that information. Every one of the civil service jobs are weighted and they have a value and they fit into a pay scale. So, if you're looking about changing a job function, it has to go back to civil service, it's re-rated and you can see what the dollars increase will be. The little number you see on the side that somebody was talking about, what's a 22 or what's a 15 or what's a 17, that's the pay scale they fit into. That's the job valued at the job. The only other difficulty that I have here is I was before Council probably about five months ago when we started down this path, and it was about reductions, and everybody's working on reductions. But if you'll remember what I said, you can't cut your way out of this budget deficit. You will eventually have to look at some other kind of revenue. I'm not going to tell you how that revenue is, whether it's the earnings tax, whether it's a levy or what it is. But if you look beyond 2012, and you ask the Auditor when you're going to run out of money and funding on what you want to do as a normal course of business, you're going to be out of money before the end of 2013 in the discussions I've had with the Auditor. And if that is true, all of your cutting is not going to solve your problem. Sooner or later, you're going to have to do what nobody wants to do, and that's ask for a revenue stream increase. How you do that, that's why we voted you in there. I'm not going to criticize you for it, but I can tell you you cannot cut your way out of this problem. Thank you.

[Applause]

President Kirchner: Mr. Law Director, I would like to ask for a point of clarification because this matter came up the other night in conversation. Mr. Hockaday has just indicated that the Civil Service Board determines the classification level of the jobs.

Law Director Brian Shidaker: Correct.

President Kirchner: And I believe that you the other night indicated that Council sets the classification level.

Law Director Brian Shidaker: Civil Service, they do – the first question was correct. Then it comes before the Council and the Council votes on it. And they – the Council – if the Council agrees with the Civil Service Commission, then that's the number. If they don't agree with it, they can vote it down.

Mayor Riley: It goes back to Civil Service.

Law Director Brian Shidaker: It goes back to Civil Service.

President Kirchner: Okay.

Law Director Brian Shidaker: With the final – the Council has the final word.

President Kirchner: Just wanted to clarify. If you'd step to the podium, name and address, please.

Daniel Gordon: Daniel Gordon. I live on Wilmington College's campus. I don't know my exact address.

[Laughter]

Daniel Gordon: 2601 33rd Street, Santa Monica, California. So, I won't give my views on, you know, cutting jobs versus raising revenues and stuff like that because everyone has their own view and – every city is running out of money. Everybody has a deficit. Everybody is cutting their work force. You said there are, you know, these thousands of cities that have joined together and are all needing to do this. Are there any of them that have cut these exact positions that you've talked to or seen what the ramifications are because taking one police officer off the street after doing an evaluation of whether or not you need that person is different from a position like the Director of Human Resources. And so, I was wondering are there any examples that you can cite or that you've looked at of this happening in another city of similar size or a different size and working?

Councilman Stuckert: The answer to that question from that report, I didn't get any of those things specifically. But I have been – I've talked to people even at our state level here who are recommending over and over that we think outside the box and think about shared internal services all over the place, county, townships, other towns. I mean, this is something – this is an idea that is being proclaimed very loudly from the state houses and places like that. We have an example just a few miles down the road where we have a city, Hillsboro, which is a city that there is a move to consolidate the fire department for that city with I believe with Paint Creek, be a township or the equivalent of a township, something like that, and merging those two together. That's unheard of, unthought of in years past. So, there's a lot of out of the box type thinking and suggesting going on. And to be honest, we have not had the analysis as the Auditor has said. All that stuff has not gone on. It's not been a practice here. I'm just saying that I don't know why it would end up being, you know, such a bad thing that we haven't done it because I think we're in – not in the best position to do it. But the reason – there was logic that we applied that oddly enough has been voiced to me out in the public, and that was you have a position that did not exist until how many years ago?

President Kirchner: 2005 was the HR Director.

Councilman Stuckert: And I've heard of any number of positions that were, you know, were added or changed somehow in that period of time, and I've had a lot of people say why are those positions still there, why wouldn't that be something – we're going raise our taxes before we go back to doing what we were doing before 2005. They made a lot of points on why you would or wouldn't do that because there was logic in all this. I think that the point that I emphasize is we made it known coming in that we want to first of all address our budget and, you know, that just was not happening in a formal way on both sides of the agenda. So, yeah, I think your questions – well, but there were no specific cases. I did not do a case study on two or three different places, and they said yeah, you can do without Human Resources Director. I didn't get that at all. But to add a little bit further, the reason we were focusing on the administrative end of it was – we think that the first cost reduction has to come from the administrative level. And every dime that we save at the administrative level is a position down here on the street that we don't have to end up eliminating, maybe two or three positions. That's where we get the idea of we don't – we want the services, the fireman that comes to your door, we want him there. The policeman that comes to your door, we want him there. The maintenance guy on the street, we want him there. We want these guys up here to figure out how to do all their administrative duties in a consolidated sort of way. That's the thing –

Daniel Gordon: I think that a few things. First, in response to that, I think that that's an interesting way to look at it, but it kind of ignores the reason that administrations exist. It's a link. There's a link between administration and the services that citizens see every day. So, eliminating things at the top, you know, if you're at it from the top down point of view –

Councilman Stuckert: Consolidating.

Daniel Gordon: -- a lot of you view things, when you cut something off at the top or consolidate it, which the due diligence it appears hasn't really been done, then all these things at the bottom start to fall apart. You know, you said earlier we're having a lot of what ifs. Until you eliminate those what ifs, I think it's irresponsible as a governing body

to enact something where you can have all these what ifs and we don't see a satisfactory response to them. The last thing is that something Councilman Jaehnig brought up at the beginning was the due diligence, you know, have we looked at how much more this is going to cost because that's your whole point is that this is going to save the city money. And you have several people sitting here next to you saying it's not even going to do that. And so, before the due – and irresponsible, "Well, we didn't do it when we hired the jobs." Well, I don't think that's, you know... That was the wrong thing then, and it would be a wrong thing now. So, I don't think that's a satisfactory response to the people here that we did it wrong then, so you know, we'll do it wrong again, I think it should start being done right now, and I have, you know, I have my personal problems with jobs being cut instead of landfills being sold. But beyond that, if you want to look at it just financially, you know, do the work and come back here at the next meeting with something that says this is going to save us more money than it's going to cost us. And the services at the lower level we've seen from looking at other cities or talking to people that really know about this won't be affected by it. So, thank you.

Councilman Stuckert: I appreciate it, appreciate your input –

[Applause]

Councilman Stuckert: I can only say though that if it turns out that none of these positions are going to be eliminated, and if we don't have voters voting themselves a new tax, and the landfill has to be dealt with by a vote also, if that's what we get we will go back to where we were in 2010 with four fireman and all the other intermediary firemen were let go, the men on the street. So, we know that happens, and that happened – and we know that will happen at some point if we – if the voters don't feel like, you know, raising their income tax. Their income is down. That's why our revenue is down. Their property is worth less that it was last year. That's why our property tax revenues are declining. And so, think about the logic of going to a tax paying person and say I know your income is down, but since your income is down, you're not giving me as much money as I need, I'm going to have to raise the percentage on you.

Daniel Gordon: Well, I only wish that the landfill situation, which as we've seen it is apparently worth \$40 million and it was recommended through this report that you guys just received, was addressed with the same urgency as this half a million dollar issue that appears to completely have split everything, and as I understand it with the veto wouldn't even get through any way.

Councilman Stuckert: Well, we have some opinions out there that say if it's a bad idea to be the only municipality in the state that has its own landfill inside its own borders, the only idea that would be worse than that would be turn it into a commercial landfill with the mountain. That's, you know, so I mean we have gotten some feedback on that.

Daniel Gordon: I appreciate the postponement of it so you guys can take a look at all the work that was done on leasing it and 80 something other things that –

Councilman Wells: Can I ask you a question?

Daniel Gordon: Of course.

Councilman Wells: Would you buy a house next to the Rumpke dump? Would you move to Wilmington –

Daniel Gordon: I think we're talking about a Rumpke dump versus, you know, two people's lives that we're affecting by taking them out of work. And yes, I would. And if we had to design a thing –

Councilman Wells: Are you sure?

Daniel Gordon: – so that some of the 40 million dollars that were earned could put you in another house that was a little further from a Rumpke dump, we'd be – we could buy you a million dollar house, we'd be left with \$20 million. And from what I understand it,

the deficit is less than two million dollars. So, that could keep you going for a pretty long time.

[Applause]

Terry Habermehl: As someone whose property value will go down 20 to 30 to 40 percent as soon as that dump is sold, I have an issue with that. Have you seen the dump going to Columbus?

Daniel Gordon: No.

Terry Habermehl: Have you seen the Rumpke mountain down in Georgetown?

Daniel Gordon: No.

Terry Habermehl: Then I would take a drive down 68 South for about an hour before you tell these gentlemen they should sell the landfill before they cut jobs. And I'm not saying cut jobs or don't cut jobs. If you ask me if I'd rather pay a half percent more in income tax than to sell the landfill, absolutely I would.

Mayor Riley: It's already a landfill.

Terry Habermehl: It is, but it's not a mountain –

Mayor Riley: It is growing every single day. It is a landfill.

Terry Habermehl: And when we start trucking every other city in the region's trash to our dump, it's going to grow a lot faster.

President Kirchner: I will say there is one thing that occurred to me as I've listened to this whole thing, a few years back when we sent home 11 intermittent firefighters and four full-time firefighters and laid off a number of other staff, none of the due diligence talked about here was done, and the conversation this long never existed. The rubber stamp came out, and we just supported the Mayor and what he wanted. And for those of you back there in the supervisor roles that are here applauding tonight, you weren't here arguing that we can't let the firefighters go. That's the choice that we have to face. It is time for tough decisions. We do not want to send the firefighters and the police officers home the way it was previously done to try and save money. This is about responsible service to our citizens with their tax dollars. And if we had spent half this time debating whether or not to send all those firefighters home, perhaps we wouldn't have done it so quickly. But we did that in an instant. That wasn't –

Daniel Gordon: Don't make the same mistake again.

Unknown Speaker: That's right.

President Kirchner: I believe we are not.

David Hockaday: That is not accurate. There was a lot of due diligence done. And the fact that the 14 intermittents had to go was because the union would not step aside with two full-time people. They demanded that the 14 intermittents go first, and then they would consider their union members. There was a lot of due diligence and a lot of other things done. I wasn't on a committee at that time, but I participated in some of the conversation. So, what you just illustrated is not quite right, and it was never put in the paper what exactly took place. So, I think tonight maybe that's what took place. So, I'm just saying when you say the firefighters had to go, the intermittents had to go first because of the union position, and that's why they went first. And then we could get to the real savings because the total money saved with the intermittents was nowhere close to the two firefighters that were let go. That was the best decision.

President Kirchner: Well, there were actually four firefighters, full-time firefighters let go, David.

David Hockaday: I'm just telling two were –

President Kirchner: I'm talking about the due diligence to understand whether or not people got slower service from the firefighters, whether or not people didn't have a response when they needed it. The due diligence of that safety service being there. I mean, that's the thing we've talked about tonight are the costs we can't predict. What were the costs of letting all of those individuals go? House fires that didn't have 11 intermittents that could show up and support a full-time force and perhaps save a structure, all of those things play into it. But at the time, you know, I'll make another point, this Council took as I recall it was a 15 percent or was it ten percent, ten percent cut, ten percent pay cut. We lost those positions. But I don't recall a single administrator taking a pay cut. I don't recall us removing some of those additional administrative positions that we had just created, Code Enforcement Engineer, HR Director, Assistant Police Chief, all of those created from the time 2005 forward. And if you go to 2004, you get the Executive Administrative Assistant that was created. Bottom line is this city operates on the taxpayers' dollars, and it is their needs that we are here to serve, and we've got to that as cost effectively as we can. Getting to bankruptcy is not what we need to do. That's what I think.

Councilman Wallace: Mr. President.

David Hockaday: [Inaudible] bankruptcy. You'll have a state official come in and dictate what you need to do as a municipal city.

President Kirchner: And I think all of us up here, we're elected to avoid that and to take that responsibility. And I agree.

David Hockaday: And as I told you before, I don't relish or belittle the position you guys are in, but I'm also saying you just can't do it all by cutting – you know that as well as I do.

Councilman Wallace: Mr. President.

President Kirchner: Yes.

Councilman Wallace: I move we adjourn.

President Kirchner: So we are adjourned.

ATTEST:

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President of Council

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Clerk