

Wilmington City Council met in regular session on Thursday, November 5, 2015, at 7:30 p.m. with President Pro Tem Mark McKay presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, present; Council Member, First Ward – Vacant; Miller, present; Milburn, present; McKay, present.

Councilmember, First Ward seat vacant due to the passing of Councilman Robert Mead on October 23, 2015.

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President Pro Tem noted the passing of Council Member Bob Mead and asked that he and his family be remembered during the moment of silence.

Moment of silence observed

President Pro Tem of Council

A motion was made by Milburn and seconded by Miller to approve the minutes of the last regular meeting, October 15, 2015, as presented.

Motion passed.

Minutes approved as presented.

Mayor - Mayor Riley welcomed Kym Parks from the United Way.

Kym Parks, Director of the United Way thanked the councilmembers, mayor and the employees for their continued support of United Way through the payroll deduction program. She gave an overview of the agencies served by the United Way. She presented a proclamation of appreciation to the City of Wilmington from the Board of Directors of the United Way of Clinton County.

Mayor Riley presented a proclamation for Pancreatic Cancer Awareness Month.

Mayor Riley introduced Director of Wilmington Transit Phil Floyd. Mr. Floyd presented information regarding an upcoming event at the Transit Department. The Ohio Department of Transportation called and requested to come to the facility on Charles Street to announce to the state media that ODOT has received a very significant grant that will not only benefit the Wilmington Transit System but all rural transit systems throughout Ohio. He invited all council members and anyone else who would like to attend the announcement at 11:00 a.m. on Friday, November 6.

Mayor Riley – The fact that ODOT wants to come to Wilmington is a testament to your leadership and the excellence of our transit system.

Mayor Riley – Sue Walker, John Walker’s wife, asked me to remind everyone about the smoke detectors in your home. The American Red Cross is giving away smoke detectors. If you want one, call Sue Walker at (937) 302-8603. She also needs volunteers to install smoke detectors.

Mayor Riley – MC Sports will be opening its new sports store on Rombach Avenue in Meadow Park. They will be having their grand opening tomorrow. G&J Pepsi opened a new distributorship in Wilmington with 50-plus new employees. At the Air Park, Delta Airlines landed one of their jets for repair. AMES has acquired a contract with Delta and will be servicing a large number of the aircraft. They should be hiring more people as well.

Auditor - Auditor David Hollingsworth announced that his Department received the Auditor of State Award for recognition of the City's clean audit reports. He recognized Deputy Director Mary Kay Vance, and staff members Barbara Ross and Tammy Plas.

Asset, Acquisition and Use. – Councilperson Milburn had no report.

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay – The City leaf pickup program has begun in the southwest quadrant of the City.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig asked that the legislation establishing a CRA (Community Reinvestment Area) be postponed until an informational meeting can be held with the local schools.

A motion was made by Jaehnig and seconded by Miller to postpone the third reading on legislation establishing a Community Reinvestment Area until the next council meeting. Motion passed. All yeas.

Councilman Jaehnig introduced legislation updating the Income Tax Code to come into compliance with state regulations. These are new rules regarding the procedures of filing income tax and processing returns.

Tax Commissioner Marque Jones explained that the new rules are designed to bring conformity to municipal tax codes throughout the state.

Councilwoman Miller asked if there were changes in the code that would have a significant effect on the citizens. Auditor David Hollingsworth explained that the changes in due date of tax payments he mentioned at a previous council meeting only will affect those making estimated tax payments. In addition, some employers may have to remit withholdings monthly rather than quarterly. Marque Jones added that the legislation outlines the role of a Board of Review in the review of tax issues. It will be important that this board be composed of individuals that understand the tax collection process.

A motion was made by Jaehnig and seconded by Miller to give the first reading only on the ordinance Adding Chapter 172, Income Tax Effective January 1, 2016, to the Codified Ordinances of the City of Wilmington, Ohio, and Declaring an Emergency. President Pro Tem called for vote. Motion passed. All yeas. Director of Law read ordinance by title only.

Jaehnig requested that the second reading be on the Agenda for the next meeting.

Councilman Jaehnig introduced legislation to authorize a grant contract with ODOT in order for the Transit Department to purchase vehicles.

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on a resolution Authorizing the Mayor to Enter into Contract with the Ohio Department of Transportation for the Ohio Section 4310, Specialized Transportation Program; and Declaring an Emergency. President Pro Tem called for vote. Motion passed. All yeas. Director of Law read resolution by title only.

A motion was made by Jaehnig and seconded by Milburn to suspend the rules and give the second and third reading on the resolution by title only. Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; Miller, yes; Milburn, yes; McKay, yes.

Director of Law read the resolution by title only.

A motion was made by Jaehnig and seconded by Milburn to pass the resolution as read.
Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; Miller yes; Milburn, yes; McKay, yes.
Motion passed.

President Pro Tem of Council declared Res. No. 2439 passed as read.

Councilman Jaehnig thanked Director of Transit Phil Floyd for his excellent work.

Safety Committee - Chairperson Spicer presented legislation authorizing an agreement with Adams Township for fire and ambulance services. This contract is for a slightly higher dollar amount than the previous one.

A motion was made by Spicer and seconded by Miller to give the first reading only on a resolution Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Adams Township for the Provision of Fire and Emergency Ambulance Service for 2016-2017.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Spicer requested that the second reading be on the Agenda for the next meeting.

Finance Committee - Chairperson Miller presented legislation making supplemental appropriations: Municipal Court Fund to Equipment Maintenance - \$1,000.00 for a copier payment.

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

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 5265 passed as read.

Councilwoman Miller introduced legislation making miscellaneous transfers: Vehicle Fuel to Vehicle Maintenance in the Police Department - \$3,000.00; Vehicle Fuel to Maintenance Contracts for body cameras in the Police Department - \$4,050.00; Director of Law Salaries to Victim Witness Salary – Grant - \$323.12; Auditor-Data Processing to Auditor Accounting and Auditing - \$1,669.00.

Councilwoman Miller asked Chief Weyand how many cameras he was getting and how long they last. Chief Weyand answered that they would be getting two cameras and he would assume they would last several years.

Councilman Jaehnig asked for clarification on the transfer from the Law Director salaries, and Deputy Auditor Mary Kay Vance explained the process.

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

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 5266 passed as read.

Councilwoman Miller introduced legislation for the 2016 Budget.

Councilwoman Miller – We passed legislation to increase the Treasurer’s Salary to \$12,000 and the budget only reads \$10,500. Clerk Woods explained that the increase in the Treasurer’s salary does not go into effect in 2016.

Councilman Stuckert – I will not vote in positive on a million dollar deficit. This is the 2016 budget. There will be changes in 2016 that will impact salary lines and a number of different items. I would like to have the chance to try to get with our mayor-elect and see what some of those changes might be to chop away at that deficit.

Councilwoman Miller asked Councilman Stuckert if he wanted to have a conversation with the mayor-elect prior to voting. Councilman Stuckert said that he would, if other councilmembers were in favor of postponing the vote until the next session. Councilman Jaehnig stated that the mayor-elect would not be available until the beginning of December, and Councilman Stuckert answered that he was in voice communication with him. Councilwoman Miller asked if Councilman Stuckert was intending to have a private conversation with the mayor-elect or if he wanted him to attend council and present his ideas. Councilman Stuckert answered that his intention was to have a private conversation with him. Councilwoman Milburn said that she would like to be privy to any conversation that pertains to budget cuts.

[Discussion of budget]

Mayor Riley stated that the budget is a fluid document and the mayor-elect could make changes in the next year if he chooses. Councilwoman Miller asked Councilwoman Milburn if she wanted to postpone the vote and she said that she did not. She reiterated that she would like to be involved in any conversations that would affect next year’s budget.

Councilman Jaehnig – It is interesting that we are talking about having a conversation to determine what kind of cuts might occur with someone who hasn’t even sat in the seat yet and done any of the work to truly understand what may need to be done and what may not need to be done. We talk about not rushing into things and not making quick decisions yet we are rushing to receive advice from someone who is not yet in office.

Councilman Spicer – I don’t know if that is rushing into it. I would like to have some more information because I think his input is going to be valuable.

Councilwoman Miller – We had a conversation two weeks ago and this wasn’t asked for then. I am surprised that this wasn’t requested two weeks ago.

Auditor David Hollingsworth stated that nobody has ever contacted his office to ask for clarification on anything regarding the budget or to ask for specific changes. Councilman Stuckert stated that the bottom line is everyone put out campaign literature that stated a position of balancing spending to revenue. Councilman McKay and Councilman Jaehnig pointed out that their campaign literature never said that.

Councilwoman Miller expressed that she would like people to provide specific budget cutting solutions rather than just state that other opportunities should be explored. If anyone has ideas, she asked that they come forth. Come to the Finance Committee meeting and tell her where they would like to make cuts.

Auditor David Hollingsworth said that he had a conversation with Mr. Brausch, who also wrote a letter to the editor. In his letter to the editor he said you would have to eliminate 29 positions to balance the budget. Even if you change three or four positions around, you are not going to come up with a million-two or a million-three that we are projecting that we are going to have as a deficit for the current year. I applaud you for trying to make cuts, but we have done that for the last how many years? And then we always get down to the last hour and then somebody wants to make a change. But nobody asks any questions until then. Then we want to make changes or we want to make cuts, but nobody has a plan.

Councilwoman Miller – I believe the mayor-elect has talked to the auditor's office and he did understand. I believe he has made contact.

Auditor David Hollingsworth – No he has not. He has not called me.

Mayor Riley – I met with the mayor-elect for two hours today. There was no concern expressed on his part at all about the budget. We danced around several issues that will be coming up next year, things that he is looking at as a priority...some of his plans for next year, and there was nothing at all mentioned in the entire two hours about the budget. Bottom line, Mayor-Elect Stanforth has to have a budget to get started. I have pointed out many, many times that it is a fluid document. There will be appropriations, new money coming in, expenses we did not plan for. It is flexible document. He has to have a budget in order to get started. If he had any concerns, I would have certainly expected him to ask me about it or expressed it to me today during our long conversation and it didn't happen.

Councilwoman Milburn – I agree with Randy. I think the spreadsheet you gave us a while back was very self-explanatory. You went into a lot of detail with it, and I appreciate that. I have yet to see us black and white stick to any budget. We move it around. It's a fluid document.

President Pro Tem McKay asked if there was further discussion regarding the budget.

Councilman Stuckert said that he thought it was important to have a Plan B in place in the event that a tax increase goes on the ballot and does not pass. He stated that the choice is not between doing things the way we are doing them or cut services. There is a third alternative of thinking of different ways to deliver those services. We have budgets that are millions of dollars that involve services that if you had to do it, could be delivered differently and you would automatically reestablish another million dollars in the budget.

President Pro Tem McKay opened the discussion up to the audience for two-minutes.

Mike Mendelstein – 1006 W. Locust Street – Council should pass the budget and let the mayor-elect have a document he can work with. If cuts need to be made, then he can do that at the beginning of the year.

A motion was made by Miller and seconded by Milburn to give the first reading only on the ordinance Making Appropriations for Current Expenses and Other Expenses and Other Expenditures of the City of Wilmington, Ohio During the Fiscal Year Ending December 31, 2016.

President Pro Tem called for vote.

Roll call: McKay, yes; Jaehnig, yes; Spicer, no; Stuckert, no; Miller, yes; Milburn, yes.

Director of Law read ordinance by title only.

Miller requested that the second reading be on the Agenda for the next meeting and noted that she would be absent for the next meeting.

Cemetery Committee – Chairperson Spicer had no report.

Downtown Revitalization Committee – Convener McKay turned the report over to Councilman Jaehnig.

Councilman Jaehnig presented an update on the upcoming Holidazzle Event scheduled for November 28, the Saturday after Thanksgiving. He thanked the DP&L Foundation for their support. This is the ninth year for the event. Santa will come to town differently, as always. As in years past, there will be children's activities, wallabies, the community band, and Merry Tuba Christmas. Councilman Jaehnig thanked the city employees and the safety services for their help putting on the event. Main Street Wilmington will be having a window decoration contest with a Star Wars theme this year.

Parks and Recreation Committee – Convener Milburn – The parks received a donation of a hundred daffodil bulbs and they are looking for volunteers to plant those before the frost kicks in. They are still working at the play-scape at Stuckey Farm. The Wilmington College volunteers will be back on November 7 to finish or work more on that.

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

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Jaehnig and seconded by Spicer that the Income Tax Report – October 2015, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Mayor Riley - We have talked about this and have danced around it. If there was any interest in getting anything on the ballot for the March primary, that would have to get to the Board of Elections by the 9th or the 16th of December. I would shoot for the 9th if we are going to do anything. In my conversation with John today, we didn't discuss any budget issues, but I did talk to him about the taxes. Everyone understands, I hope, these fine folks up here cannot increase your taxes – your property tax through a levy or the earnings tax or income tax. We can present the information to the Board of Elections to put it on the ballot and then it's up to the citizens to decide if they value a service enough to pay for that. In talking with Mayor-Elect John Stanforth, he recognizes that we have a tight budget. We do not have a deficit budget as by law, we cannot have a deficit budget. We have a certificate of estimated resources, which we have to budget to, and we have done that again. I flat-out asked him if he had any interest in us working to have something ready for the March primary. After a little reflection, he said he would like to look at it first. I told him the next opportunity to get it before the voters would be in the general election next year and he was much more comfortable with that. I did do some looking. The City of Wilmington obviously has a 1% earnings tax. In looking at every municipality in the state that has any earnings tax at all, the average is 1.39%. So, we are certainly below the average, and I see that as being a good thing. We don't want to tax people unless we absolutely have to. I am proud of the fact that we have gotten through four years of Riley administration. We have struggled, we have hurt, we have brought in new jobs. We have done everything that we can, but we have not raised taxes. It is something that at some point, you have to at least talk about and consider it. We could go to the committees to talk about it, but I would much rather talk about it in front of everybody and give everybody a chance to talk about these issues. Just because we're .39 percent than everybody else, I actually see that as a great thing...that our taxes are significantly lower than the average. I also looked at information on the Ohio Department of Taxation. There are 817 communities listed with their taxes. I tried to pick communities that are somewhat similar to us. The average for those communities near us in southwest Ohio is 1.617%. I also threw in Cincinnati and Dayton since those are the two large municipalities close to us. Cincinnati is currently 2.21% tax and Dayton is 2.25% tax. That is information for your consideration. I urge council as you are thinking about this. Go on the Ohio Department of Taxation website and see what other cities are doing. We are to the point that if we are going to cut more...you are

looking at cutting people and services. If you don't talk about it, all of sudden it is going to creep up on you and you will have lost your opportunity. I think this is the forum where it should be discussed.

[Discussion of scheduling review of tax increase/tax levy options]

Councilman Jaehnig asked what the effective date would be. Auditor David Hollingsworth answered that his experience with cities that pass it mid-term, it is usually a blended rate that goes into effect for that year. Marque Jones stated that the larger companies would have a push-back if you tried to retroact income tax because it would affect their withholdings.

Councilman Stuckert directed a question to the Law Director - Can you assure us that you can put an earnings increase on the ballot, have it be defeated, and not lose your current earnings tax? Law Director Shidaker answered that if it is worded correctly, the city would not lose its current earnings tax.

President Pro Tem McKay – As Mayor Riley said, it has to go to the citizens. I think it would be shortsighted and arrogant on our part to make the decision not to do it without letting the citizens have input. We're only seven people up here. There are 12,000 citizens out there that live in the city, drive our streets, use our water, etc. I am 100% for putting something on the ballot and let them decide.

Councilwoman Milburn asked for clarification on waiving 1% of taxes when you work in a different jurisdiction. How does that work if the tax rate was increased to 1.5%. Marque Jones explained that we give credit and it would need to be written into the new legislation.

President Pro Tem McKay – Our earnings tax are only on earned income – not retirement and other things. The downside of a property tax is that it affects our homeowners. The other thing I will say, if we would go an earnings tax route, I would put it in effect for no more than five years and then see where we are.

[Discussion of taxes]

President Pro Tem McKay – The City would not be in the shape it is in if the state government had not decreased its share to local government. It is forcing the local jurisdictions to raise taxes. Councilman Jaehnig stated that the basic premise was instead of the state collecting taxes and then giving it back to the communities, the communities could have control on their taxation and the services they wish to fund. The state made their move, but at the local level, jurisdictions have not made the adjustment yet. At some point, it is going to have to happen. How long do we wait before we give them their say?

Paul Hunter – I want to pay that tax. I drive the streets more than I did when I was working. We have an obligation. If you look at the data from 2010 until now, council and the administration have really pared down our budget: 26% reduction in payroll for an example. Council can say they have done their part. The citizens have an obligation.

Auditor David Hollingsworth – Even if you could balance the budget for revenues for the current year and eliminate the million-two deficit, you still don't have any money to do anything. We have used the reserves from last year. Last year there was a million dollar deficit in the budget, of which some people voted no. And then right after the first of the year, some of those people who voted no made a proposal to make a supplemental of a half a million dollars to pave streets, with no plan on how you are going to replace that money. The streets needed to be paved; no argument with that. But there was no plan in place. What are you going to do moving forward?

Councilman Stuckert – We also stopped the wage freeze and restored everything at one time, which also cost us five hundred and some thousand dollars. We were told that we had to do it. If we had the money to do that, then asking for a few dollars for starting to repave our streets would not be what put us in the position we are in. We do not talk

about that incident at all. There are other things that we could have a conversation about but we don't. I could go back and talk about when we wanted to reduce our HR costs, which the county gets for \$50,000 a year and we started with about 90. We were villainized. The conversation has the tendency to go away when you get the kind of reactions that you get around here when you talk about actually changing the way you deliver service. There are other things that would have to be talked about too.

Councilman Jaehnig- Loren, I think you made a good point...in the last few years, council has frittered away their opportunities by arguing. It is time for us to stop arguing about it and let the citizens make their decision. We have proven that we are not going to solve the problem.

Vince Holmes – I am a resident here in Wilmington. I do know that labor is an easy target because that is one thing that can be controlled, but it can be awful brutal. Wilmington has good city employees in my opinion. Perhaps cuts in personnel could be made only through attrition. If there is any way that you can keep from abusing the senior employees. We need our senior staffs because of their knowledge base. I have had dealings with several people within the city. I have always had good service from them. If you ask for something, they fall over themselves to try to help you.

Councilman McKay – We have a timeline that needs to be addressed quickly if anything is going to be done quickly. My thought is to have a finance discussion on this or we could certainly have another discussion at the next council meeting.

[Discussion of timing of earning tax discussion]

Councilman McKay suggested everybody do research before the next council meeting and asked that the discussion be on the agenda for the next meeting.

Mayor Riley pointed out that the Mayor-Elect would not be available until the first council meeting in December and he should be part of the discussion.

Councilman Jaehnig - In the first meeting of December, we will begin to revisit the newly defeated G1 ordinance as to what the options are for rewriting it or whether it needs to be retired. It will be on December 3 at 6 p.m. We will have potential options to us. I applaud you on your hard work.

Councilwoman Miller asked when Judiciary Committee would be reviewing the Sewell contract. Mayor Riley answered that the Law Director is working on that. Councilman Spicer also stated that he wanted clarification of whether council approval was required for the contract.

Councilman Spicer asked if the President of Council intended to return Councilman Stuckert to his original committee assignments. Clerk Woods explained that she had spoken to President Peterson and she will coordinate the changing of the council committees with the appointment of a new council member into the vacant First Ward spot.

Jonathan McKay – 371 High Street - Stated that Mr. Mead served the City well. He further announced that the Republican Committee will be meeting on November 16, and he is the nominee for the Republican Party to serve the vacancy, and he should begin to serve that term on November 19. Mr. Mead's remembrance ceremony is on Sunday, November 15.

Paul Hunter – 200 Randolph – Stated that the majority of the pay raises were in enterprise funds. He further stated that the Sewell contract was signed on October 1 and was effective July 1. He pointed out that council in the past had always approved the disposal, sale or rental of city property. The contract will provide good revenue for the sewer department. He said he was seeking an explanation of the manner in which the contract was signed.

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

The Law Director asked for a motion to go into executive session per ORC 121.22 (G)(4) to discuss the status of our union negotiations. The members elect were invited to stay for the session.

A motion was made by Miller and seconded by Spicer to go into Executive Session per ORC 121.22 (G)(4) - preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Motion passed. All yeas.

Council entered Executive Session at 9:10 p.m.

A motion was made by Milburn and seconded by Miller to return to Regular Session.

Motion passed. All yeas.

Council returned to Regular Session at 9:41 p.m.

A motion was made by Jaehnig and seconded by Milburn to authorize the Mayor to enter into agreements with IAFF (International Association of Fire Fighters) and the Wilmington FOP (Federation of Police) Sergeants Unions.

Motion passed. All yeas.

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

A motion was made by Miller to adjourn.

President Pro Tem declared the meeting adjourned.

Council adjourned.

ATTEST:

President Pro Tem of Council

Clerk