

Wilmington City Council met in regular session on Thursday, January 7, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

President of Council called the meeting to order at 7:30 p.m.

**ROLL CALL**

Roll Call: Fourth Ward, vacant; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Officer Fithen was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE OBSERVED**

**PRESIDENT OF COUNCIL**

President Riley gave an overview of conduct expected at meetings according to Roberts Rules: Only one speaker at a time. If you wish to make comment, please wait for the person speaking to yield the floor or for the President of Council to recognize you. If you wish to make comment at the public portion of the meeting, please remember to keep it brief.

The following amendments were proposed to the agenda:

- Item 5b – Currently reads December 18; Change to read: Review and Approval of December 17, 2015 regular meeting minutes.
- Item 8.d.i. – First Reading on a Resolution Amending the City of Wilmington Hotel Lodging Excise Tax Code of Regulations – Remove from agenda and send the item back to Committee. This will postpone item until council members have an opportunity to meet with the Convention and Visitors Bureau (CVB).

A motion was made by M. McKay and seconded by Spicer to postpone the first reading of the hotel lodging tax resolution until there is an opportunity to meet with the CVB.

It was noted that the postponement will be for no longer than three months.

A motion was made by M. McKay and seconded by Milburn to approve the agenda as amended.

Motion passed. All yeas.

Agenda approved as amended.

The following amendments were proposed to the December 18 minutes:

- Bill Liermann’s address should be listed as 1069 Linhof rather than 1006 Linhof.
- Scott Holmer’s comments should read that the allocation to the CVB was proposed to be 75% rather than 25%.

A motion was made by J. McKay and seconded by Swindler to approve the minutes of the last regular meeting, December 28, as amended.

Motion passed. All yeas.

Minutes approved as amended.

The following amendment was proposed to the December 29, 2015 minutes:

- Thursday, December 29, should be changed to Tuesday, December 29.

A motion was made by Milburn and seconded by McKay to approve the minutes of the last special meeting, December 29, 2015, as amended.

Motion passed. All yeas.

Minutes approved as amended.

President Riley presented committee assignments for 2016. He also announced that the Republican Central Committee will be meeting on Monday, January 11, to vote to fill the vacant seat of Councilmember 4<sup>th</sup> Ward. That person will automatically be assigned to slots designated as 4<sup>th</sup> Ward Councilmember in the Committee Assignments.

A motion was made by J. McKay and seconded by Stuckert to approve the committee assignments.

Motion passed. All yeas.

Committee assignments approved.

A motion was made by J. McKay and seconded by Swindler to give the first reading only on a resolution Appointing the President Pro Tempore of Council and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, abstain.

Director of Law read the resolution by title only.

A motion was made by Spicer and seconded by Milburn to pass the resolution as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, abstain; Spicer, yes.

Motion passed.

President of Council declared Res. No. R-16-01 passed as read.

A motion was made by J. McKay and seconded by Milburn to give the first reading only on a resolution Appointing the Clerk of Council of the City of Wilmington and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

A motion was made by Spicer and seconded by Milburn to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. R-16-02 passed as read.

A motion was made by Milburn and seconded by Spicer to confirm the appointment of Laura Gibson as Assistant Director of Law.

Motion passed. All yeas.

Appointment confirmed.

President Riley introduced a letter of support the Parks Department for their application to gain funding through the State capital appropriations bill. When approved, the letter will be signed by all members of Council.

A motion was made by M. McKay and seconded by J. McKay to sign the letter of support for the Parks Department.

Motion passed. All yeas.

Letter of support approved.

## **MAYOR**

Mayor - Mayor Stanforth welcomed all of the new councilmembers and said he was looking forward to working with them.

Mayor Stanforth presented recognition plaques to Rob Jaehnig and Loren Stuckert for their past service to the City through their seats on City Council.

Mayor Stanforth relayed a story about receiving a call regarding a bike lying in the creek near the bike trail. After checking with other city departments to determine whose responsibility it would be, he called the Parks Department, and within two hours, he received a phone call from the citizen thanking him for getting it taken care of. The City will be posting for the positions of Transportation Director and Superintendent of the Streets Department. A decision will be after the end of January. The mayor's office will also be providing a letter of support to the Parks as they attempt to secure funding through the appropriations bill. There will be a match required for the funding, which will be achieved through in-kind services. Mayor Stanforth also stated that there is a rumor that he is planning to close the Fire Department. In comments addressed directly to Chief Andy Mason, he stated that he has no intention of closing the Fire Department.

President Riley recognized former Safety Director Russ Burton in the audience and thanked him for his past service.

### **AUDITOR**

Auditor - Auditor David Hollingsworth presented a report giving the financial status of the city as of the end of 2015 and looking toward the 2016 budget.

- Budgeted income tax revenue - \$4.3 million; Actual income tax revenue - \$4.5 million. Income tax refunds also increased \$70,000.
- In terms of Fire/EMS contracts, Union Township five-year payments ended in 2015. Fire department contract collections will reduce by \$130,000 in 2016.
- The EMS billing revenue was \$50,000 less than budgeted for 2015, probably due to a combination of a gap resulting from changing our billing service provider and a higher percentage of Medicare runs, which pay at a lower reimbursement rate.
- Total revenues in 2015 compared to 2014 were up about \$100,000. Projected 2016 revenues are \$150,000-\$160,000 less than 2015.
- Combining the spreadsheet provided previously with the current document will give council members a picture of the transfers into the special revenue funds - Police, Fire, and Emergency Ambulance. Pension Funds are heavily supported by the General Fund. There is over \$4 million that is transferred out of the General Fund to make up for the shortfalls in those special revenue funds.
- We started the year in 2015 with almost \$2.7 million dollars in the General Fund in reserve. In 2015, we spent \$925,000 more than we took in in revenues in the current year. The biggest chunk of that was the money that was supplemented at the beginning of the year to do street paving, which was greatly needed. We ended the year with \$1.771 million in the carryover in the General Fund. For 2016, we have a budget that shows a deficit in the current year of \$1.3-\$1.4 million. In 2015, we anticipated a budget deficit of \$1.7 million, but it ended up being only \$925,000. There is always some flexibility in the budget, so I wouldn't necessarily anticipate spending that full \$1.3 million, but it could happen. If that is the case, then we finish 2016 with a carryover of \$416,000. That doesn't leave any cushion going into 2017.
- The financial situation could have a negative effect on our bond rating with Moody's. They are going to ask pointed questions regarding the city's plan to rectify the carryover balance being depleted, I don't have an answer for them. I think it is a challenge for you as council. My job is to present you the information. It is not my decision to decide what is to be done to rectify the problem.
- The pay increases as a result of contract negotiations with the two bargaining units at the end of the year are not reflected in the budget. Those increases in pay are above the \$1.3 million deficit going into 2016.
- Even if you can come to a zero deficit budget, it still doesn't give you money to do anything as far as street paving or any other type of capital improvements that would be funded by the General Fund.

Councilman Mark McKay – As head of the Finance Chair, we do take this very seriously and this is number one on our agenda. We will be working closely with the administration to try to determine what our direction will be. Thank you for the statistics.

President Riley – It is not for lack of effort. We spent less than what we had budgeted for in 2015, but it still has gotten worse. I am counting on council and all the department heads to help us get this under control.

### **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay stated he would like to schedule a Cemetery Committee meeting in the near future.

Downtown Revitalization Committee – Convener M. McKay – Phil Dirt and the Dozers will be at the Murphy Theatre on Saturday night at 7:30 p.m.

Finance Committee - Chairperson M. McKay presented legislation authorizing the request for advance payment of settlement from the County.

A motion was made by J. McKay and seconded by Milburn to give the first reading only on the resolution Authorizing Request for Advance Payment of Settlement from the County and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. R-16-03 passed as read.

Councilman Mark McKay presented legislation making reverse appropriations to the 2015 budget appropriations: From Anthem Fund to Deductible Transfers – (\$28,1929.52). Auditor David Hollingsworth explained that Anthem did not give the city our final settlement from December until the day after the Special Council meeting, so the department had to guess on what the reverse appropriations would be.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. O-16-01 passed as read.

Councilman Mark McKay introduced legislation accepting a \$1000 gift from Davita Dialysis to the Wilmington Transit Department.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on a resolution Accepting a Gift from Davita for the City of Wilmington Transit Department.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. R-16-04 passed as read.

Councilman Mark McKay – Finance Committee meetings will be scheduled on the Thursday of Council at 6:30 p.m.

Judiciary Committee - Chairperson Milburn – There will be a Judiciary Committee meeting next Wednesday at 5:30 p.m.

Parks and Recreation Committee – Chairperson Milburn had no report.

Safety Committee - Chairperson Spicer introduced legislation accepting a gift from the Max and Pauline Shrine estate to the Wilmington Fire/EMS Department in the amount of \$5,399.55.

Chief Mason explained that the department had received a gift from the Shine Estate in the amount of \$54,000 a couple of years ago. Now the estate is completely settled, so this is the final installment of the gift.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on a resolution Accepting a Gift from the Shine Estate for the City of Wilmington Fire/EMS Department.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. R-16-05 passed as read.

Councilman Spicer – I will be setting up meetings for all three of my committees.

Solid Waste/Recycling - Chairperson Spicer had no report.

Streets Committee - Chairperson Spicer presented legislation authorizing the Service Director to advertise for bids and enter into contract for the Airborne Connector project, previously reviewed at the December 29 special council meeting.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. O-16-02 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Safety/Service Director Brian Shidaker – We are excited about bidding out the Airborne Road Connector project. The goal is to get the road constructed by the end of the year. From the Safety side, the Police and Fire have been very busy with the heroin epidemic. More people die from drug overdoses than traffic accidents in this country every year. Awareness is important. I want the community to be aware of what the men and women of law enforcement are seeing and dealing with on a daily basis and the effect it has on families in our community. Keep them in your thoughts and prayers.

### **REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by Stuckert that the Income Tax Report – December 2015 and Income Tax Annual Report 2015 and 2016 Projections - be accepted as presented.

Motion passed.

Reports accepted as presented.

### **OPEN TO PUBLIC**

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

President Riley pointed out that there were several county commissioner candidates in the audience.

Jim Fife – 1900 Wayne Road, Wilmington - presented information on his candidacy for Clinton County Commissioner.

Stephen Sawzin – 43 Fulton Street, Wilmington – Stated that he would like the mayor to encourage city council to repeal G1 zoning ordinance.

President Riley stated that council could not discuss the topic because there were prior notification requirements.

Paul Hunter – 200 Randolph Street, Wilmington – presented an alternative proposal to the City’s Hotel Lodging Tax Resolution. This proposal would reduce the take-away from the bureau from 15 to 10%. The amount provided to the Parks could be increased to 19% by reducing the Auditor’s fee from 10% to 1% and instead funnel the 9% into the Parks. In addition, certain items need to be cleaned up. The current quarterly reports link the name of the facilities to the amount of tax paid, which is inappropriate.

Councilman Spicer said that he would review Mr. Hunter’s proposal. They would be meeting with the Convention Board to discuss the matter. Mr. Hunter suggested that council needs to hear from the Parks.

Mike McCarty – 1110 Hiatt Road, Clarksville – Presented information on his candidacy for Clinton County Commissioner.

Scott Holmer – 520 N. Walnut Street, Wilmington - Presented information on his candidacy for Clinton County Commissioner.

Mike Mandelstein – 1006 W. Locust Street, Wilmington – Asked Auditor David Hollingsworth what effect the previous downgrade in bond rating from Moody’s had on the city. How would a further downgrade effect. What would be the minimum carryover preferred by Moody’s in the event we would ask for bond support for a road construction project such as the Airborne Connector?

Auditor David Hollingsworth – The 25% that was established was suggested a long time ago when we used Seasingood and Mayer. It was the amount suggested the city keeps in reserve in case there was an emergency to help you weather the storm for a while. A downgrade in rating could affect the interest rate that the City will be able to obtain if it goes out on the open market. Moody’s does its homework on the community before making a determination. They will know exactly what the situation is in the City.

Mike Mandelstein – Where does the money come from for the Airborne Connector Road project?

Brian Shidaker – It is roughly a \$1.9 million project. The City portion is approximately \$160,000. It will be funded through JobsOhio, ODOT and OPWC. It has already been budgeted.

Mike Mandelstein stated that he did not wish for the G1 legislation to be resurrected.

Stephen Sawzin asked about the process of purchasing Municipal Bonds. Is that something the average citizen can do? Auditor David Hollingsworth explained that purchase of municipal bonds would have to be done through the underwriter. Going directly to the public is not something that has been done in the 28 years he has been Auditor.

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

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

**ADJOURNMENT**

A motion was made by M. McKay to adjourn.

President Riley declared meeting adjourned.

Council adjourned at 8:44 p.m.

ATTEST:

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President of Council

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Clerk