

CITY COUNCIL MINUTES
November 1, 2010

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knapic, to approve minutes of the October 18, 2010 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) He thanked Wooster and Orrville City Schools and their booster clubs for coordinating the celebration of the 100th football game between the two schools on October 30, 2010. 2) Introduced Robert Fowler, the new Director of Administration for the City of Wooster, who will begin with the city on December 1, 2010. 3) Jean Chenoweth, Senior Vice President of Thomson Reuters Healthcare, visited Wooster Community Hospital and spoke regarding what it means to be a Thomson Reuters 100 Top Hospital. 4) Employees who chose to take the Voluntary Separation Program (VPS) have begun leaving their positions. Within the last week 4 of the 24 have officially retired. The others will retire by the end of the year. A community open house will be held to recognize all 24 employees. 5) Leaf pick up has begun with two rounds scheduled. 6) Wooster Area Chamber of Commerce sponsored a trip to China in October. Three employees from the city went (not at the city's expense) and met with businesses in China regarding the EB-5 program, to promote the Biohio research park.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The Clerk read a notice from the Ohio Division of Liquor Control regarding the request for the transfer of a C1, C2 and D6 liquor permit to Rachele Bellman, 4510 Cleveland Road, from LATRDR Enterprises LLC, 4510 Cleveland Road. Mr. Steiner moved, seconded by Ms. Knapic, not to request a hearing. Motion carried unanimously.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A Finance Committee meeting was held at 6:30 p.m. prior to the council meeting. Mr. Ansel stated the financial update was reasonably optimistic for the ending of the third quarter. The projections show tax revenue is up approximately 3%, expenses are flat or slightly up from 2009 and 3 days of the Rainy Day Fund have been consumed which translates to approximately \$145,000 in deficit spending. Mr. Ansel said the good news is the Voluntary Separation Program generated gross reductions of \$2.4 million and after the payout, projected savings for 2011 will be \$1.3 million and in excess of \$2 million for 2011. Mr. Ansel also reported on the presentation given by representatives of Main Street Wooster, Wooster Area Chamber of Commerce and the Wayne County Convention and Visitors Bureau who submitted a joint application for the bed tax allocation from the Economic Development Fund. For the last 10 years this entity has worked collectively to submit a single application for the bed tax funds. Mr. Ansel said this year the funds will set a revenue record, projected to exceed \$160,000, of which the city keeps 50% for the general fund and 50% is contributed back to the organizations driving that revenue. Marty Starkey of the Wayne County Convention and Visitors Bureau indicated that for every \$1 funded through the bed tax allocation, \$900 is generated in tourist revenue spending in our community. Mr. Ansel further equated that \$60,000 generates about \$5.5 million of incremental revenue for the City of Wooster. Mr. Ansel said that is phenomenal to generate that type of return on investment and encouraged the businesses to keep up the good work and for doing a great job collectively.

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2010-29 AMENDING CHAPTER 905, TREES, TREE LAWNS AND WEEDS, AND SECTION 351.03, PROHIBITED STANDING OR PARKING PLACES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ADOPTING STANDARDS FOR THE CREATION OF PARKING AREAS WITHIN TREE LAWNS ON UNIMPROVED STREETS; AND AMENDING CHAPTER 905,

TREES, TREE LAWNS AND WEEDS, BY ADOPTING REGULATIONS FOR THE PROHIBITION OR REMOVAL OF UNDESIRABLE SPECIES OF TREES, SHRUBS AND NOXIOUS VEGETATION (Ulbright)

Mr. Ulbright stated these proposed changes to the ordinance have come about after a prolonged study involving various infrastructure committee meetings, public input and the engineering department's work. He explained unimproved streets do not have curbs, are not very wide, do not meet standards for a finished street and some have sidewalks but most do not. He said a problem over the years has been residents on unimproved streets who do not have adequate parking create their own parking places causing safety issues such as line of sight problems, drainage problems, etc. These areas have been hard to control as the existing ordinance does not give the city specific authority to enforce the issue. Mr. Ulbright said he left the ordinance on first reading at the last meeting to generate public reaction, but he had not received any feedback. The changes will not affect current parking areas unless they become a problem in the future, but the proposed changes will create a system where newly constructed parking areas are standard and safe. Mr. Ulbright read verbatim what he considered two of the most important parts of the legislation, Sections 905.02(b) and 905.02(f). Police Chief Glick said the police department would handle enforcement of the new regulations the same as the current regulations where officers on patrol see or are informed of a violation and take enforcement action. At first a warning violation will be given to educate the citizens and after a period of time a parking citation would be issued. Mr. Ulbright said the new enforcement language is similar to the property maintenance code violations.

Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2010-30 AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO CONFORM TO THE RECENT PLAN OF REORGANIZATION (Buytendyk)

Mr. Buytendyk stated there were two components to this ordinance. One is to clarify the language under Section 162.08(a) where management salary ranges will be adjusted to mirror the same increment increases in the collective bargaining agreement. For example if the collective bargaining employees get a 3% incremental increase, their salary ranges would be adjusted by 3%, which doesn't mean the employees would receive a 3% increase, just that the ranges would expand 3% in order to prevent long term employees from getting capped out at the top of their job classification range. Mr. Buytendyk said this would match pace with management and the collective bargaining employees so the request doesn't have to come before council every year. The second component is to change Section 162.09 to reflect the reorganizational chart which came about after the Voluntary Separation Program. Nine positions are being eliminated, five positions are being created, while several other positions will take on additional responsibilities and some will be changed from management to non-management positions or classified to unclassified positions. Mr. Buytendyk said these are mainly housekeeping items in order for the changes to be accurately reflected in the codified ordinances of the city.

Mr. Buytendyk moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Buytendyk moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. First Reading - ORDINANCE NO. 2010-31 AUTHORIZING THE DIRECTOR OF FINANCE OF THE CITY OF WOOSTER, OHIO TO ESTABLISH THE CDBG CHIP HOME REVOLVING LOAN FUND (Ansel)

Mr. Ansel stated the city receives funding from the CHIP and HOME funds from the State Office of Housing and Community Partnerships on an annual basis. Based on the adoption of Resolution No. 2010-43, the city executed a Housing Revolving Loan Fund Agreement which requires the city to deposit any gross revenues derived from these programs to be deposited into a separate fund. This ordinance will establish the fund to allow those receipts and disbursements to be accounted for. In 2009 the city received \$12,800 in CHIP and HOME funding but do not anticipate any funds being received in 2010 due to budgetary constraints.

Mr. Ansel moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2010-76 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES (Ansel)

Mr. Ansel stated since 1976 when the local municipal and county courts were merged under the Wayne County Municipal Court, the city has subcontracted for prosecution services through the Wayne County Prosecutor. The amount to be allocated for 2011 is \$60,240, which is a 3% increase from 2009, for services rendered through the prosecutors office. Mr. Ansel feels a 3% increase is reasonable in terms of their cost increases for prior year comparisons. Mr. Cavin questioned if the administration was fully satisfied with the services being received from the county prosecutor as he had received information there was some contention as to whether or not we were being serviced on a timely basis. Mr. Monea, Manager of the Building Division, said he raised those concerns with Mr. Benson who in turn had a conversation with the prosecutor's office to make sure that paperwork was in order and being dealt with adequately. Since that time, Mr. Monea said everything has been running very smoothly. Mr. Buytendyk added that there is no way the city could hire someone in-house to do this work for that amount of money, because if a benefit package were added on top of this cost, the city would be looking in excess of \$100,000 for these services. Also, he said the only reason the city would have their own prosecutor would be to prosecute traffic violations under the municipal code, which if the defendant were sentenced to jail, the cost of housing them falls under the city's responsibility. As it is now, almost all of the offenses are filed under the Ohio Revised Code to avoid having that happen. Mr. Buytendyk stated that despite there sometimes being problems, in the era where fiscal resources are tight, this service is a bargain. Mr. Ulbright appreciated what Mr. Buytendyk said, but indicated the issue that he and Mr. Cavin were concerned about was moving ahead with violations regarding property maintenance. It had been brought to their attention that some of the attorneys who work under the prosecutor were not as well prepared to move forward in an aggressive manner in prosecuting these property maintenance cases, but Mr. Ulbright was glad to hear things have been improving. Mr. Silvestri said he did first question the 3% increase but agrees this is a good value and hopes the extra 3% is reciprocated in terms of better service.

Mr. Ansel moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

4. First Reading - RESOLUTION NO. 2010-77 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION CREDIT ENHANCEMENT PROGRAM, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH (Ulbright)

Mr. Ulbright stated this resolution would give the mayor the authority to apply to the Ohio Public Works Commission (OPWC) for financial assistance. The OPWC has established this financial assistance for political subdivisions who engage in capital improvements of public infrastructure and the recently completed Beall Avenue Streetscape project would fall under the OPWC credit enhancement program. The city may be eligible to receive up to \$90,000 in grant money that could be applied to the debt issued in connection with this project. The total debt issued for the Beall Avenue project is \$2,840,000 and the OPWC funding would cover 100% of the interest incurred during and within one year of the completion of construction with grant money. Mr. Montgomery said initially the state said only one project would be funded per municipality but as of last Monday they agreed to allow the city to apply for this in addition to the other grant applications recently approved by council, such as the South and Walnut project. He said this particular grant will not be quite \$90,000, rather more like \$78,000, but that amount will pay for two years worth of interest. Mayor Breneman gave kudos to Joel Montgomery and his team for making this happen.

Mr. Ulbright moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

5. First Reading - RESOLUTION NO. 2010-78 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH STAFFING PARTNERS OF WOOSTER, OHIO FOR SEASONAL TEMPORARY SERVICES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated this is a yearly contract that is a budgeted item, but it exceeds the threshold and requires Council's approval. The contract will be with Staffing Partners of Wooster, Ohio for seasonal temporary services, for leaf removal, in the amount of \$28,200.00, payable from the operating budgets of the Maintenance Division and the Parks Division. Mayor Breneman informed council that the leaf debris is not taken to the landfill but rather to a reclaiming spot off Mechanicsburg Road where it is turned into mulch. He said the city has received money in the past from the Solid Waste District because the debris was recycled, unfortunately their budget probably will not allow for any type of reimbursement this year.

Mr. Ansel moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

6. First Reading - RESOLUTION NO. 2010-79 AUTHORIZING THE MAYOR TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE SAFE ROUTES TO SCHOOL PROGRAM; TO ACCEPT AND APPY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said this legislation would give the city the opportunity to apply for the Safe Routes to School Program funds (SRTS), but requires extensive application, research and factual data to back it up. The plan and projects were selected based on student and parent surveys and school officials and teacher input. Mr. Ulbright said it was important to note that the City of Wooster did not have any say in this. He and Mr. Montgomery both sat on the committee, but neither had anything to do with the research and factual data that came about. What came to the forefront was the sidewalk problems, particularly at Melrose Elementary, Wayne Elementary, Kean Elementary and Parkview Elementary. Mr. Ulbright said the program will fund \$377,100 of the project costs out of the total \$419,000. The city's portion of the project would be approximately \$42,000 funded by Capital Improvement funds or assessments to property owners, or both. The project should have little or no affect on the city's operating costs. He further explained the total construction costs for Phase I (\$419, 100). Construction engineering costs are \$41,910 and will be provided in-house by the City's engineering division. Environmental costs are estimated at \$7,500. The total project costs are therefore \$458,510. Grant money of \$377,100 would be included in the

application for SRTS funding. Mr. Ulbright said this is a way to fill these gaps with sidewalks and to increase the safety level for children walking to and from school as described specifically on the project description. Mr. Steiner said the last time this program was discussed it was competitive with limited available dollars from the state and Mr. Montgomery indicated that is still the case although we now have an approved School Travel Plan. Mr. Montgomery recalls that most of the resistance to sidewalks was the cost, but if this grant is received it will fund 90% and council will have to determine whether the 10% is paid with city funds or assessed to property owners. Also Mr. Montgomery said because the city is providing the engineering services, we are entitled to be reimbursed \$41,910 for those services. Mr. Ulbright stated approving this resolution is almost a must if the mayor is to apply for the funds as the application must be submitted by November 5, 2010.

Mr. Ulbright moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

7. First Reading - RESOLUTION NO. 2010-80 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

Mr. Ansel stated these are economic development funds derived from the city's bed tax of which the city retains 50% and 50% goes to economic development distribution. Three entities, Main Street Wooster, Wooster Area Chamber of Commerce, Wayne County Convention and Visitors Bureau, submitted a joint application with the following allocation of funds:

Of the first \$50,000	
Main Street Wooster	57.5%
Wooster Area Chamber of Commerce	37.5%
Wayne County Convention and Visitors Bureau	5.0%
Of all funds over \$50,000	
Main Street Wooster	50%
Wooster Area Chamber of Commerce	30%
Wayne County Convention and Visitors Bureau	20%

Mr. Ansel moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VIII. MISCELLANEOUS

Ms. Knapic welcomed Mr. Fowler to the City of Wooster and thanked employees who took the VSP and wished them well.

Mr. Cavin too welcomed Mr. Fowler and congratulated the individuals who took VSP and wished them a happy retirement.

Mr. Ulbright also welcomed Mr. Fowler and congratulated all the folks retiring.

In recent discussions on private streets and gated communities, Mr. Ulbright said people probably gleaned from his comments that he was not too fond of private streets. When he found out in the October 26th issue of the Daily Record there would be no leaf pick up on private streets, he thought it was about time, however, he started

receiving calls regarding this issue. Mr. Ulbright felt the notice should have been in the newspaper earlier to give residents on private streets more time to get rid of the leaves. He said he assured callers it was a very expensive service that some cities don't even attempt. Mr. Dordea indicated the cost for leaf pick up is \$250,000 or \$125,000 per pick up. Mr. Ulbright wanted to know how much the city was saving by not picking up leaves on private streets and Mayor Breneman indicated we would not know until after the season is over and he will provide those statistics once those numbers are realized. Mr. Ulbright wished city council would have been made aware of these changes as he did not know anything about it until he read it in the newspaper. Mayor Breneman added that the one reason the city does leaf pick up is because the leaves clog storm sewers, which then require unclogging, so it is more cost efficient to keep them out of the storm sewers by doing leaf pick ups. He said private streets have chosen to be part of the city in a private capacity which means they are totally responsible for their streets such as snow plowing, road maintenance, etc. Mayor Breneman said it is also the responsibility of private streets to take care of their own storm drainage and with the downturn in funding, that is the reason the city has chosen not to collect their leaves this year. Mr. Ulbright said he agreed 100%.

Mr. Ulbright asked if there were any vacancies on any of the boards and commissions. Mayor Breneman said there are some vacancies and terms expiring at the end of the year, so we are looking for individuals to fill those open positions. He said Ward 1 is an area where we could use some input as there has been some difficulty in getting representatives to serve. He asked council to forward any recommendations they may have to him.

Mr. Buytendyk welcomed Robert Fowler and said Mr. Sigg will be missed, as will the other retirees. Mr. Buytendyk thanked Main Street Wooster, Wooster Area Chamber of Commerce, Wayne County Convention and Visitors Bureau for their presentation at the Finance Committee meeting as they reinforced what a fabulous job they do with the available dollars.

Mr. Ansel welcomed Mr. Fowler and thanked Mr. Sigg for his years of dedication and hard work. He also acknowledged the city administration for their graciousness and hard work in handling the Voluntary Separation Program. He feels more cities should model the City of Wooster in terms of effectively managing tax revenues. Mr. Ansel encouraged Main Street Wooster, Wooster Area Chamber of Commerce, Wayne County Convention and Visitors Bureau to keep up the great work.

Mr. Silvestri said he was disappointed to see residents putting their grass clippings, leaves and other debris into the street, as it does have an adverse affect on the storm sewers. Hopefully no action will be needed to enforce such actions and he hopes residents will take this into consideration. Mr. Silvestri stated he feels the VSP was a great idea and pointed out the revolving loan money goes out to the people that are marketing our community. He said it was great to hear some of the state of the art ways they are doing that.

Mr. Steiner welcomed Mr. Fowler and said he is looking forward to working with him.

IX. ADJOURNMENT

Mr. Ansel moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 9:00 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council