

**CITY COUNCIL MINUTES**  
**November 19, 2007**  
**7:30 p.m.**

**I. ROLL CALL & ORDERING OF AGENDA**

President Pro Tem Bob Breneman called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers. The following members were present: Jon Ansel, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

**II. APPROVAL OF MINUTES**

Mr. Ansel moved, seconded by Mr. Silvestri to approve the minutes of the November 5, 2007 meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Mitten updated council on various projects and activities in the city, featuring the Building Standards Division.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The clerk read two notices from the Ohio Department of Commerce, Division of Liquor Control. 1.) A notice informing legislative authorities that all current liquor permits in the city must be renewed by February 1, 2008 and that the city has the opportunity to object to any renewal. Mr. Breneman asked Chief Glick if there were any liquor permits that should be taken into consideration for renewal. Chief Glick indicated he was not aware of any major issues with any of the liquor permit holders but would have a final report for the next council meeting. Mr. Breneman indicated this would be held until the December 3, 2007 meeting. 2.) A notice advising that Chipotle Mexican Grill of Colorado LLC, DBA as Chipotle, 4124 Burbank Road, applied for a new D3 liquor permit. Mr. Griffin moved, seconded by Mr. Ansel, not to request a hearing and all were in favor.

The following members were recommended for reappointment to the Civil Service Commission by Mayor Mitten:

Reg Kramer 2008-2013 (6 yrs.); Ken Vagnini 2008-2012 (5 yrs.); and Joe Retzler 2008-2011 (4 yrs.). Mr. Griffin moved, seconded by Mr. Topovski, to approve the reappointments and all were in favor.

The following members of the audience spoke: Darlene May, 6562 Old Lincolnway West (railroad track condition); Kevin Breeden, 620 Arlington (sidewalks) and Greg Gehris, 347 N. Grant (Bed Tax)

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Silvestri announced he had copies of information requested from the fire chief at the Safety Committee meeting held on October 15, 2007, regarding 18 different communities, their population and number of fire stations in relation to Wooster's current and future fire services.

The Public Infrastructure Committee met November 19, 2007 at 6:00 p.m., prior to council meeting, to discuss the Northwestern and Westridge sidewalk issue. Mr. Topovski stated there was a large number in attendance from the neighborhood and the conclusions of the meeting would be discussed during the legislation section of the meeting.

Mr. Breneman reported on the Finance Committee meeting held on November 13, 2007 to discuss the 2006 Comprehensive Annual Financial Report (CAFR). He highlighted several points and noted that a Certificate of Achievement for Excellence in Financial Reporting was awarded to the City of Wooster again by the Government Finance Officers Association

for the 2006 CAFR. Also discussed at the committee meeting was the Economic Development Fund, bed tax monies, which have increased and would be discussed further during the reading of the legislation.

## **VI. OLD BUSINESS**

1. Third Reading - RESOLUTION NO. 2007-86 DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALKS AND CURB RAMPS ON PORTIONS OF NORTHWESTERN AND WESTRIDGE AVENUES, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated the legislation was to declare the necessity of construction of sidewalks on Northwestern Avenue from Parkview to Westridge Avenue and Westridge Avenue from Northwestern to Oak Hill Road, and to establish preliminary assessments to property owners. The project is a continuation of the city's sidewalk construction replacement program which is to install sidewalks on improved streets where none currently exist and where significant pedestrian traffic occurs, especially student walk routes to schools. A neighborhood meeting and four committee meetings were held to discuss this matter. Some concerns of the residents were sidewalk set back distance from the streets, re-grading of existing driveways, steepness of grade, removal of established landscaping, increased downspout runoff, storm sewer availability and fixed incomes of retirees in the neighborhood. Mr. Topovski felt all the concerns had been heard and addressed. He indicated the public infrastructure committee is split on its decision. Mr. Topovski questioned if the project would have to be re-budgeted next year if current funds were not used this year. Mr. Dordea informed him that the mayor has the authority to encumber funds prior to year end. Mr. Topovski noted the budgeted amount for the project, originally \$50,000, is now over \$100,000 as it was decided to construct sidewalks on both sides of the streets using additional funds available in the engineering department's budget from monies not used in the Highland Avenue sidewalk project. The committee felt this would be in the best interest of the residents so as not to spread the project out over a two year period. Mr. Topovski stated that with necessary funds currently available, he wanted to proceed in passing the resolution and moved for adoption, Mr. Ulbright seconded. Mr. Ulbright read a segment of the June 3, 1991 council meeting minutes when construction of sidewalks for the Northwestern and Westridge area were discussed and tabled. Mr. Ulbright indicated he feels tabling is not the solution, that this project has been given ample discussion and it should not be tabled. Mr. Ansel agreed the inevitable should not be delayed as history would repeat itself again if it were tabled. Mr. Griffin felt the only advantage for tabling this issue would be to let the dust settle and let the committee look at it again in order to get the project accomplished rather than having it voted down. Mr. Silvestri felt the rationale for tabling the project would be to review the city engineer's plans, though already gone over fairly extensively, there were still a number of questions on several issues he believes need to be hammered out. Also being that the project could not move forward due to the winter season, he saw no harm in tabling the legislation as long as a date was set to bring it back off the table for a vote. Mr. Breneman indicated he is in favor of sidewalks in this neighborhood but does not feel the timing is appropriate at this point and believed it should be tabled with a time when it would come back off the table. He feels better use of this year's funds would be to address a sidewalk condition on Quinby Avenue which is in a terrible state of repair and waiting to be fixed. Council discussed if there were available funds in the budget for both projects. Mr. Silvestri moved, seconded by Mr. Breneman, to table. Upon roll call, motion to table carried 5-2 with Mr. Topovski and Mr. Ulbright opposing. Mr. Breneman reminded council members the tabled legislation expires in one year unless someone brings it off the table.

2. Second Reading - RESOLUTION NO. 2007-91 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES. (Breneman)

Mr. Ulbright recused himself from the discussion. Mr. Breneman stated one application was received from a comprised group of three entities consisting of Main Street Wooster, Inc., Wayne County Convention and Visitors Bureau and Wooster Area Chamber of Commerce. Mr. Breneman explained funds are generated from a 3% occupancy tax placed on hotel stays within the city limits. Of those funds 48% go directly into the city's general fund for operating purposes, 4% go to the administration of the fund; 48% is to be utilized for economic development purposes for the city. The sole applicant has been the recipient of bed tax funds over the last number of years. Their request is the same as the previous four years with allocation of the first \$50,000: 57.5% Main Street Wooster, 37.5 Wooster Area Chamber of Commerce and 5% Wayne County Convention and Visitors Bureau. Allocation over \$50,000: 50% Main Street Wooster, 30% Wooster Area Chamber of Commerce and 20% Wayne County Convention and Visitors Bureau. To date the bed tax fund has not exceeded \$50,000, but possibly could in 2008 due in part to the annexation of the Hilton Garden Inn on the south end of town. Mr. Breneman said the finance committee voted to recommend to council the approval of the disbursement of the economic development funds to the joint application of the combined three entities. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried 5-1 with Ms. Cavin opposing and Mr. Ulbright abstaining.

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2007-64 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman indicated this issue is very important as it addresses the expenditure of funds for the city in 2008. Council members received a copy of the 2008 appropriation budget proposal from the finance department and Mr. Dordea explained the budget in brevity. Mr. Breneman stated this legislation would receive all three readings and therefore would remain on first reading. He noted he would be holding three finance committee meetings to discuss the budget in detail.

2. First Reading - ORDINANCE NO. 2007-65 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY REDUCING THE AMOUNT OF THE CREDIT FOR TAX PAID BY CITY RESIDENTS TO OTHER CITIES, AND DECLARING AN EMERGENCY. (Ansel)

Mr. Ansel stated this issue needs much consideration as amending the tax code is very controversial, emotional and heartfelt because it impacts people's finances and the operation of the city. He focused on the first whereas clause of the legislation. Wooster currently credits 1% income tax to its residents if they work outside the city of Wooster and pay 1% income tax to the city in which they work. Mr. Ansel said the laws & ordinance committee discussed the city's master plan, which is a very effective approach to managing increasing municipality costs (safety services, water, sewage, garbage removal, etc.) as well as maintain a balance with competitive taxation levels. The only

issue the committee has with this legislation is the timing due to a possible future income tax increase. Mr. Ansel referred to a comprehensive summary showing income tax levels and tax credit percentages for every municipality and school district in Ohio, which is available on the intranet and he encouraged council to do a comparative review. It shows Wooster's tax percentages in the lower quartile of cities. Referring back to the master plan, Mr. Ansel indicated the first step was the mandatory filing which passed in the summer of 2007 and generated \$286,000 in additional revenue, the second step is to repeal a portion of the tax credit and the third step, which would be a last initiative, is to change the tax legislation due to an unbalanced budget. He noted that is not the present case today as the projected tax revenues for 2008 look good. Mr. Ansel feels council is obligated to the citizens and tax payers to ask for tax increases only in a time of necessity and feels these type of proposals should not be rubber stamped but challenged and therefore stated the legislation would remain on first reading in order for the laws & ordinance committee to meet and discuss this issue further on Monday, December 17, 2007 at 5:30 p.m. in council chambers. Mr. Ulbright felt there should not be a repeal of a portion of a tax credit unless the city can prove there is a real need and requested that council receive all the information they can get from safety forces, maintenance department and administration in order to make the most informed decision. Mr. Griffin asked what the proposed amount of income would be from the repeal and Mr. Ansel indicated the projected additional revenue generated through the proposed change would be approximately \$350,000-\$400,000 annually. The legislation remained on first reading.

3. First Reading - ORDINANCE NO. 2007-66 THE MAYOR TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated the administration and the OPBA have agreed upon a employment contract for 2008-2010. Mr. Benson summarized the changes in the three year bargaining agreement which he indicated was accepted by the mayor and approved by the memberships of both police bargaining units. The pay increase would be 10% over three years (3-4-3), employee contribution for healthcare would remain at 7 ½% all three years, pre-taxed employee contribution to dental/optical allowance and other changes such as the creation of a sick leave bank which will be at no cost to the city. Mr. Benson answered several questions from council. Mr. Breneman explained the bargaining agreements are handled by the administration and brought to council for ratification. The contract is built into the 2008 budget, which was discussed earlier in the meeting, and he felt the issue needed to be moved forward to compliment the administration and OPBA on their progress in working together on this agreement. Mr. Breneman moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - RESOLUTION NO. 2007-92 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO INCREASE THE AMOUNT OF A CONTRACT WITH SNELLING STAFFING SERVICES FOR SEASONAL TEMPORARY SERVICES, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated this additional temporary staffing is for leaf collection and is included in the 2007 budget. Funds for this service were appropriated but the total cost to be paid to the vendor, approximately \$18,000, will exceed the \$15,000 cap and therefore requires council approval. Mr. Ansel and Mr. Silvestri commended the city on the leaf

pick-up service provided. Mr. Breneman noted that by the picking up the leaves and composting them, the city receives money back from the Solid Waste District. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

5. First Reading - RESOLUTION NO. 2007-93 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, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman indicated this resolution is to renew the contract with the Wayne County Prosecuting Attorney for the prosecution of ordinance violations within the city and has been in effect since 1976. The contract amount requested by the prosecuting attorney for 2008 is \$55,320, which represents an increase of 2.9% over last year's contract. Provided that the budget is approved for 2008, this amount will be budgeted within the operating budget of the Law Department. Ms. Cavin questioned services received and if they would be impacted due to the experience of the new staff in the prosecutor's office. Mr. Benson explained the nature of hiring at the prosecutors office and did not perceive any problems or issues. Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

6. First Reading - RESOLUTION NO. 2007-94 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR EMERGENCY REPAIRS AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated the cost of repair to the pipe was \$18,000. This pipe could have been included in the plant upgrades but in order to keep costs down, it was felt the pipe could be maintained as replacement costs would have been in excess of \$30,000 for parts alone plus labor. However, due to increased water and sewage pressure on this pipe as the walls which feed into the pipe were increased from 4 ft. to 8 ft., the pipe sprung some leaks. Repair work was done on an emergency basis as the condition was worse than expected and needed to be done quickly while the weather permitted and equipment was available. Mr. Borton answered several of council's questions and believed the repair would last 20 years or more. Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

7. First Reading - RESOLUTION NO. 2007-95 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A VEHICLE FOR THE WATER TREATMENT PLANT, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated this is a planned purchase from the Water Fund capital budget. It is to replace a 1999 Ford Taurus which has significant mileage and in need of repair, with a new utility vehicle that will be more useful to the water treatment staff in responding to emergencies, late night calls, hauling equipment, etc. in all weather conditions. Mr. Griffin moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr.

Ansel, to adopt. Upon roll call, motion to adopt carried unanimously. Ms. Cavin was absent during the vote.

8. First Reading - RESOLUTION NO. 2007-96 AMENDING RESOLUTION NO. 2007-72 BY INCREASING THE AMOUNT OF THE CONTRACT, AND DECLARING AN EMERGENCY. (Cavin)

At Ms. Cavin's request Mayor Mitten explained that the Chamber of Commerce would like to contribute \$6,900 to purchase additional equipment for the city's portable stage such as a light bar, stage skirting and stage extension. The city will order the additional items and invoice the Chamber. Mr. Silvestri felt this was a great opportunity to see another community group come forward to pick up the cost for adding more features to the stage. Mr. Griffin questioned if this donation would effect the rental fee paid by the Chamber for use of the stage. He felt it was good that they stepped forward to pay for the bells and whistles but remained consistent in his opposition noting the stage was not competitively bid which may have resulted in a better overall price and the Chamber wouldn't have had to spend money for additional equipment. He hoped it would not effect the rental fees of the stage. Ms. Cavin moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried 6-1 with Mr. Griffin opposing.

#### **VIII. MISCELLANEOUS**

Mr. Ansel reminded everyone of the Laws and Ordinance Committee set for Monday, December 17, 2007 at 5:30 p.m. in council chambers.

Mr. Ulbright asked if a written report was received from the fire station expert. Mr. Sigg indicated the report was received and is being reviewed. Mr. Ulbright requested a copy be given to council members.

Ms. Cavin commended Mayor Mitten on having an article published in the Municipal Leader magazine.

Mr. Silvestri indicated when tabling Resolution 2007-86, construction of sidewalks on portions of Northwestern and Westridge Avenues, he opted not to set a date for it to be brought off the table but pledged that it will be within a year once everything is ironed out and there is more of a comfort level from the residents.

Mr. Breneman set a Finance Committee meeting for Monday, November 26, 2007 at 11:30 a.m. in council chambers to review the 2008 budget proposal.

#### **IX. ADJOURNMENT**

Mr. Griffin moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:25 p.m.

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Robert F. Breneman  
President Pro Tem of Council

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Cheryl K. Collins  
Acting Clerk of Council