

CITY COUNCIL MINUTES
November 19, 2012

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk 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, Mark Cavin, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright. Barbara Knapic was absent.

Members of City Administration in attendance: Mayor Bob Breneman, Director of Administration Joel Montgomery, Finance Director Andrei Dordea and Law Director Dick Benson.

Mr. Buytendyk welcomed guests in the audience, Boy Scout Troop 63 and two international students from Vietnam.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Sanders, to approve the November 5, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Introduced Jeanette Wagner the new Human Resources Manager for the City of Wooster. 2) A donation was received from the estate of Stanley Watson to be used for the construction of a water well at the entrance of Wooster Memorial Park. 3) Announced two retirements in November from the Recreation Division, Susan Kelley, manager (26 years) and Shirley Beckler, clerk (20 years). Wished them good luck and congratulations. 4) Language for the proposed income tax legislation was not finalized, so it will be presented at the December 3rd council meeting. Mayor Breneman reported the city's finances will end up in the black for years 2011 and 2012, but that the city will still be facing funding issues next year and city administration has been working hard to get that message out over the last few years. He said in 2008 the economy began to decline and by 2010 the city was facing a \$2 million deficit. The Voluntary Separation Plan was instituted in 2010, cutting \$2 million from the city's 2011 budget. Since 2008 city employees have been downsized by over 30, divisions have been combined to improve efficiency, and in 2010 all the city unions agreed to wage freezes until 2013-2014. However, Mayor Breneman said the city needs to take further action because in January 2013 changes in state funding will cut an additional \$2 million from the city's budget. Mayor Breneman said at the next council meeting he will recommend to council placing a .5% income tax increase on the May 2013 ballot which would raise Wooster's income tax rate to 1.5%, still one of the lowest in the region.

Mr. Dordea briefly reviewed the proposed 2013 appropriation budget, pointing out various changes and noteworthy sections. He indicated three potential projects for 2013 were left out of the budget as the necessary data was not yet available to accurately estimate costs or funding sources, one of those projects was the Water Pollution Control Plant improvements. Wooster Community Hospital's budget was not included in the budget as it will be going before the hospital board at their November 28, 2012 meeting. Mr. Dordea thanked all the individuals who helped prepare the budget.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A notice was received from the Ohio Division of Liquor Control requesting the transfer of shareholder interests for LATRDR Enterprises, LLC, 4510 Cleveland Road, who hold a C1, C2 and D6 liquor permits. Mr. Steiner moved, seconded by Mr. Ansel, not to request a hearing. Motion carried unanimously.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel, Chairman of the Finance Committee, announced the committee will be holding two meetings, Monday, December 3, 2012 at 6:30 p.m. and December 10, 2012 at 5:30 p.m., in Council Chambers at City Hall, to review the City of Wooster's 2013 appropriation budget and also discuss recommendations of the Wooster Tax Incentive Review Council (TIRC).

VI. OLD BUSINESS (none)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-31 EXTENDING THE CITY OF WOOSTER'S MORATORIUM ON THE PROCESSING OR APPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS UNDER THE CITY'S ZONING OR BUILDING CODES FOR ANY PREMISES FOR WHICH AN ADULT GAMING PARLOR OR SWEEPSTAKES TERMINAL DEVICE IS, OR IS PROPOSED TO BE LOCATED, AND DECLARING AN EMERGENCY (Knapic)

Mr. Silvestri detailed the purpose of extending the 180-day moratorium council passed in Ordinance Nos. 2011-30 and 2012-14, for adult gaming parlors or sweepstakes terminal devices. He said there are six or seven of these business in the city and the Ohio Legislature is considering legislation that would require these businesses to be licensed and regulated by the Ohio Casino Control Commission. Mr. Silvestri said the moratorium gives the city more time, preventing further adult gaming parlors being established within Wooster's city limits, until state regulations on these businesses can be finalized. Mr. Benson further explained that the bill is pending in the Ohio Legislature to establish regulations that would create a statewide scheme. He noted the reference of June 30, 2013 in Section I of the ordinance was intended to mirror the affective date of a moratorium that was adopted by the Ohio Legislature and signed by the governor.

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

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

2. First Reading - ORDINANCE NO. 2012-32 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, 2013, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said one of city council's most important functions is the approval of the city's budget. The 2013 operating budget was presented to council earlier in the meeting by Mr. Dordea and council has 30 days to review and approve it. Mr. Ansel again noted there will be two Finance Committee meetings to review the budget and ask questions. The ordinance remained on first reading.

3. First Reading - ORDINANCE NO. 2012-33 AUTHORIZING THE MAYOR TO TRANSFER FUNDS IN ACCORDANCE WITH SECTION 6.05 OF THE CHARTER OF THE CITY OF WOOSTER, OHIO (Ansel)

Mr. Ansel explained that every year at this time funds need to be balanced due to expense requirements for jobs done and services completed. There are two transfer requests for unencumbered balances: 1) from the General Fund to the Capital Improvements Fund in the amount of \$900,000; and 2) from the General Fund, Director of Administration Cost Center to the General Fund, Economic Development Cost Center in the amount of \$11,000, for the cost of personnel. Mr. Ansel said the first transfer request is a result of costs associated with the Melrose Drive and Akron Road improvement projects for which grant funding and/or assessments reimbursements have not yet been received. The second transfer request is associated with the job re-classification/pay increase for the economic development coordinator position.

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

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

4. First Reading - RESOLUTION NO. 2012-102 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 said this request was for the renewal of an agreement with the Wayne County Commissioners for the prosecution of ordinances and state code violations within the municipality. Since 1976 prosecution services have been provided by the Wayne County Prosecuting Attorney's office and Mr. Ansel expressed it is a tremendous value at \$60,240 annually, which amount has remained the same for the third consecutive year.

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

5. First Reading - RESOLUTION NO. 2012-103 INDICATING THE CITY OF WOOSTER'S COMMITMENT TO AND SUPPORT OF AN APPLICATION BY THE OHIO STATE UNIVERSITY FOR ASSISTANCE FROM THE US ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE BIOHIO RESEARCH PARK (Ansel)

Mr. Ansel said the city should be proud to be able to participate and support this global initiative, happening in the City of Wooster through the Ohio State University, OARDC. The function of the US Economic Development Administration (EDA) is to advance global competitiveness, create jobs, leverage public and private resources and promote collaborative regional innovation. The Ohio State University, through the Ohio Agricultural Research and Development Center (OARDC), is seeking financial support from the US EDA in order to promote the growth of the BioHio Research and Development Park, and the City of Wooster has been asked to lend its support, including in-kind services. Mr. Ansel said those in-kind services for the EDA proposal would include: Planning and Development Design Analysis; Utilities and Infrastructure Analysis; Transportation and Parking Analysis; Environmental Analysis; Master Plan Probable Cost; and Printed and Bound Copies of Master Plan. These services will be supported with existing staff in the city's engineering division and Mr. Ansel explained there will be no fee assessed or any cash out-lays, but the in-kind support dollars are targeted at \$20,000. Justin Starlin, Economic Development Manager for the City of Wooster, gave a detailed explanation of the BioHio program. Mr. Ansel said no real dollars are being spent, but the city giving resources and cooperation is ensuring the success and future vision of the BioHio Research Industrial Park.

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

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

6. First Reading - RESOLUTION NO. 2012-104 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

Mr. Ansel said he would be leaving this resolution on first reading as it is a very important process to approve or disapprove the recommendations of the Wooster Tax Incentive Review Committee (TIRC), an independent body that reviews the existing enterprise zone (EZ) and community reinvestment act (CRA) agreements. The Wooster TIRC met on September 12, 2012, and recommended that all agreements should be continued. Mr. Ansel said the Finance Committee will further discuss these recommendations at their two meetings scheduled for December 3rd and 10th. Mr. Ansel noted two underperforming abatements and he asked council to review and formulate their questions and concerns before the committee meeting: 1) TechniGraphics, Inc., in relation to their staffing projections and performance. 2) Eldorado Stone LLC & Chesterland Estates PLL. Mr. Ansel said there is an ongoing review process scheduled for the first quarter of 2013 to review the current status of the performance of

these two questionable EZ agreements and the continuance thereof. Mr. Ulbright requested the potential amendments be shown to council at the committee meeting. The resolution remained on first reading.

7. First Reading - RESOLUTION NO. 2012-105 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this legislation is for the continuance of existing EZ agreements that fall under the jurisdiction of the Wayne County TIRC, who recommended that all such agreements be continued. Mr. Ansel highlighted each of the companies who are exceeding all their projections and goals: Akron Brass Company, Frito-Lay, LuK USA and Tekfor USA. He also noted that the Gerstenslayers EZ agreement will be successfully completed at the end of 2012. Mr. Ansel said these are remarkable accomplishments of world class companies within our community, who are investing millions of dollars, but most importantly, they are creating good, secure jobs with benefits.

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

VIII. MISCELLANEOUS

Mr. Buytendyk reminded everyone of the two Finance Committee meetings scheduled for December 3rd at 6:30 p.m. and December 10th at 5:30 p.m. Mr. Buytendyk announced the resignation of Cheryl Collins, Clerk of Council, who will be retiring on December 31, 2012.

Mr. Ulbright credited Cheryl Collins for her years of service to the city and also acknowledged the retirements of Susan Kelly and Shirley Beckler and wished them all the best.

Mr. Ansel thanked Cheryl Collins for her years of service to City Council and the City of Wooster, and thanked Susan Kelley and Shirley Beckler for their legacy with the city as well. Mr. Ansel addressed two international guests from Vietnam who were in attendance and said he hoped they saw how government is run at the local level, which is about fair and objective non-partisan decision making, in order to do what is good for the community.

In adding to Mr. Ansel's comments, Mr. Silvestri said he recently had a conversation with someone who too became involved in local politics at a young age, in order to make a difference. He wanted to encourage others who may be considering the same that the involvement is worth the time and effort. As to Cheryl Collins' retirement, he reflected on her time serving as Clerk of Council and thanked her for all her support.

Mr. Cavin wished everyone a safe and Happy Thanksgiving!

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Steiner to adjourn. Motion carried and meeting so adjourned at 8:43 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council