

CITY COUNCIL MINUTES

December 3, 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. Silvestri moved, seconded by Mr. Ansel to approve the minutes of the November 19, 2007 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten updated council on various projects and activities in the city, featuring the Finance Department.

The following individuals were recommended by Mayor Mitten for reappointment to the respective boards. Mr. Topovski made a motion, seconded by Mr. Breneman, to approve the reappointments and all were in favor.

HOSPITAL BOARD OF GOVERNORS

Thomas Iceman	2733 Tanglewood Drive	Term-4 yrs. 1/1/2008 - 12/31/2011
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INCOME TAX BOARD OF REVIEW

James Lanham	3451 Cross Creek Circle	Term-3 yrs. 1/1/2008 - 12/31/2010
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IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

In response to a letter received from the Ohio Department of Commerce, Division of Liquor Control, Chief Glick reported he had no objections to any liquor permit renewals in the city for 2008. Mr. Breneman indicated there would be no objections filed.

The following members of the audience spoke against repealing the tax credit: James Green, 877 Carriage Lane; Anne O'Planick, 4700 Mel Lane; and Jim Jindra, 2815 Lee Drive.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A finance committee meeting was held December 3, 2007 at 6:00 p.m. prior to the council meeting. Mr. Breneman reported that enterprise funds were discussed which are comprised of the water fund, water pollution control fund, storm drainage fund, economic develop loan funds and refuse collection. There were no major changes other than forecasting a 3% water rate increase and 3% sewerage rate increase in June 2008. The refuse contract will expire in 2008 and when the contract is re-bid there will probably be a slight to modest increase in refuse collection. Mr. Breneman announced there will be another finance committee meeting held on Tuesday, December 11, 2007 at 5:15 p.m. to continue discussion of the 2008 budget.

VI. OLD BUSINESS

1. Second 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 approving the operating budget for the city of Wooster is one of the biggest issues council has to address. There have been two finance committee meetings held to review the 2008 budget. Mr. Breneman, as finance chairman, expressed his disagreement with a tax repeal stating the city finances are good and he does not feel it is needed at this time. There being no further discussion, the ordinance remained on second reading.

2. Second 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 legislation was discussed at great length at the last council meeting and that he would keep it on second reading. He has received an overwhelming amount of feedback in opposition to this issue. Mr. Ansel pointed out that comparative summaries show Wooster's tax rate in the lower quartile of similar sized cities. The city is currently in a solid financial position with a projected balanced 2008 budget. The only unknown is defining future plans for our safety services and until the costs are known in relation to this, Mr. Ansel feels it would be premature to ask the citizens for a tax repeal. Mr. Topovski asked how many citizens the tax repeal would effect in Wooster. Mr. Ulbright questioned how many cities had reciprocal tax credits, if the money could be earmarked strictly for city services and discussed the fairness of a tax repeal. He felt it important that citizens know this is not an income tax increase but rather an effort to reduce the tax credit for residents who work outside the city from 1% to .5%. Mr. Ulbright feels there is a need for a tax repeal as the safety forces and maintenance divisions are understaffed. Mr. Silvestri indicated he too has received overwhelming response in opposition to this issue and is not in favor of the tax repeal as there is a balanced budget. Mr. Griffin too questioned if the money could be earmarked. Mr. Breneman agreed the budget is getting tighter due to loss of industry, etc. and at some point there will need to be something done but does not feel that time is now. Mr. Topovski will take a serious look at this issue as he feels we may just be putting off the inevitable in balancing the budget by not rehiring and delaying construction projects. Mr. Breneman stated the ordinance would remain on second reading.

3. Tabled Legislation - 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 made a motion, seconded by Mr. Ulbright, to pull Resolution No. 2007-86 off the table. Upon roll call motion carried 4-3 (YES: Cavin, Topovski, Ulbright, Ansel NO: Griffin, Silvestri, Breneman). Mr. Topovski indicated there have been many discussions regarding installing sidewalks on portions of Northwestern and Westridge Avenues and he feels the city is still in compliance with ORC to have them installed. He stated the engineering division has done a magnificent job on this project, taking into consideration the concerns of the residents and he read a memo from Mr. Montgomery, city engineer. Mr. Topovski is in favor of passing the resolution as future grant funding could be jeopardized if not passed, funds are encumbered for this fiscal year, a sidewalk issue on Quinby can be addressed when budgeting next year and though the residents do not agree with the sidewalks, he feels their concerns have been

addressed and the project should move forward. After a lengthy discussion and Mr. Montgomery answering several of council's questions, Mr. Ulbright made a motion, seconded by Mr. Breneman, to re-table the resolution until the March 17, 2008 council meeting. Upon roll call, motion carried unanimously.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-67 REVISING THE AUTHORIZED RANGE OF PAY SCALES AND BENEFITS FOR HOURLY RATED AND SALARIED EMPLOYEES AT WOOSTER COMMUNITY HOSPITAL, AND REPEALING FORMER ORDINANCES, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated he would be leaving this ordinance on first reading and will ask for third and final reading at the next meeting, along with the city's budget. The Hospital Board of Governors are requesting approval of a 2½% wage structure increase, effective January 6, 2008, for non-management and management employees. In 2004 the hospital employed a management performance international group to help them with wage ranges and this increase will keep Wooster Community Hospital within 1% of the projected 2008 market averages for hospital employees. It is the same wage increase requested and approved in 2007. Stan Hochstetler of Wooster Community Hospital shared information on the wage increase and Mr. Breneman stated it is built into the 2008 hospital budget which is included in the city's budget and will be discussed at the next finance committee meeting. There being no further discussion, the ordinance remained on first reading.

2. First Reading - ORDINANCE NO. 2007-68 AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman explained that at the end of the city's fiscal year there are numerous adjustments, moving money from one budgeted line item to fill a requirement in another line item. This is a sizable transfer, \$193,000 into the fire division's budget, to cover pension costs for firefighters as there wasn't enough money budgeted in the 2007 budget for this purpose. Also \$50,000 to pay additional overtime costs for coverage due to four firemen on injury leave. There was no further discussion. 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

3. First Reading - ORDINANCE NO. 2007-69 AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman stated this is a transfer of \$12,000 in the parks operation and maintenance cost center to fund the construction of a climbing wall at Freedlander pool. This is not expending new monies, these are budgeted monies being transferred from one line item to another. There was no further discussion. 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. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - ORDINANCE NO. 2007-70 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND

CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY.
(Breneman)

Mr. Breneman explained this agreement is with the Wooster Employees Association, the second of the three bargaining units which has agreed upon a contract, the police union's contract was established at the last council meeting. The WEA and administration have reached an acceptable agreement between both parties and are asking for council approval. Wage rates increase for 2008-3%, 2009-4% and 2010-3%, plus other agreed upon negotiations. Mr. Benson commented that this agreement is similar to the police union agreement, the only difference being an increase in educational assistance. Mr. Breneman stated the wage increases are figured into the 2008 budget. There was no further discussion. Mr. Breneman moved, seconded by Mr. Ulbright, 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. 2007-97 AMENDING RESOLUTION NO. 2007-60 BY INCREASING THE AMOUNT OF THE CONTRACT, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated this is to increase the amount of the legal contract with outside counsel for representation with respect to disputed contract issues in relation to the improvements to the wastewater treatment plant. Previously council authorized spending \$50,000 and this is an additional \$40,000, with the contract not to exceed \$90,000.00. The project is complete but there are numerous disputes with the contractor that we are attempting to resolve, such as contesting change orders and other unresolved issues. Mr. Griffin explained that due to potential litigation, specific issues could not be discussed in great detail. Mr. Benson indicated we are not presently in litigation but outside counsel was brought in because construction law is very precise and the potential for litigation exists. Mr. Borton answered several questions asked by council. 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.

6. First Reading - RESOLUTION NO. 2007-98 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ENGINEERING ASSOCIATES OF WOOSTER, OHIO FOR ENGINEERING SERVICES, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski recused himself due to a conflict of interest and asked Mr. Silvestri to introduce the legislation. Mr. Silvestri explained this is Phase I of the widening of SR 585 from the north corporation limits to Gateway Drive. Construction cost is \$2.3 million but Mr. Silvestri wanted to make the distinction that this legislation is only to authorize the professional services contract with the engineering firm. Mr. Griffin questioned the location of the project and recused himself due to a conflict of interest. Mr. Breneman noted with only five members it could not be put on third and final reading as Mr. Silvestri had requested. Mr. Silvestri explained that of the \$2.3 million, \$1.9 million will be funded by ODOT and one of their requirements is the outside engineering services. Ms. Cavin suggested a special meeting be held prior to the finance committee meeting on December 11th in order to give the legislation three readings as Mr. Montgomery indicated it would need be passed by year end due to the money being budgeted for 2007. The legislation remained on first reading and will have its second reading at a special council meeting on Tuesday, December 11, 2008 at 5:00 p.m.

7. First Reading - RESOLUTION NO. 2007-99 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE SHERWOOD AVENUE SANITARY SEWER LINE, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin indicated this is a \$55,000 budgeted capital improvement from the sewer fund for the installation of 415 feet of new sanitary sewer and new laterals to five residences. 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. Montgomery answered several of council's questions regarding the project. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

8. First Reading - RESOLUTION NO. 2007-100 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH IMAGINIT TECHNOLOGIES OF CLEVELAND, OHIO FOR TECHNICAL SUPPORT SERVICES FOR THE GIS SYSTEM, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated this legislation is to authorize an upgrade of the GIS system which has been in place for approximately three years. The system has been extremely helpful for utilities, engineering services and for many other departments in the city. The system has received periodic updates but is now in need of a more substantial upgrade in order to utilize the software currently being used. Engineering is requesting to enter into a contract with Imaginit Technologies to perform the upgrade services at a cost of \$23,000, which is a budgeted amount. 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

9. First Reading - RESOLUTION NO. 2007-101 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR FOR THE MUNICIPAL BUILDING AND FIRE STATION #1, AND DECLARING AN EMERGENCY. (Ulbright)

Mr. Ulbright moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Ansel, to adopt. Mr. Ulbright stated this legislation is to authorize the Director of Administration enter into a contract with the lowest and best bidder for the purchase and installation of an emergency generator, including electrical work, generator installation and UPS system installation, to serve the Municipal Building and Fire Station #1. This is a budgeted item, \$180,000 consolidated from the Server Room Generator line item (\$136,000), Server Room HVAC upgrades (\$15,500) and Fire Engine Replacement line item (\$39,200). Mr. Ulbright noted the implications of not upgrading the system is to run the risk of damaging computer and other electrical related systems. Upon roll call, motion to adopt carried unanimously.

10. First Reading - RESOLUTION NO. 2007-102 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR SANITARY SEWER REHABILITATION WORK AT VARIOUS LOCATIONS IN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated this \$154,000 project is budgeted from the Sewer Fund and will involve sewer lining, manhole rehabilitation and miscellaneous pipe and manhole repairs in specific areas across the city. 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. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

11. First Reading - RESOLUTION NO. 2007-103 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE ITEMS OF SPECIALIZED TECHNOLOGY, TO WIT: DEFIBRILLATORS AND RELATED EQUIPMENT FOR THE FIRE DIVISION, AND DECLARING AN EMERGENCY. (Silvestri)

Mr. Silvestri moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Griffin, to adopt. Mr. Silvestri stated this is for the purchase of three Lifepak defibrillator/monitors for the fire division EMS. A grant will be applied for through the Beaverson Fund to recover some of the expense. In the past they have awarded \$5000 per unit. Mr. Silvestri wanted to thank Audrey Beaverson for establishing this fund in memory of her husband to support emergency medical services in Wayne County. Upon roll call, motion to adopt carried unanimously.

VIII. MISCELLANEOUS

Mr. Dordea gave data on the amount of individuals that would be affected by the tax credit repeal, which Mr. Topovski had asked for earlier in the meeting. He determined that in 2006 there were 3,453 W-2's for income earned outside of the City of Wooster, although some individuals have more than one W-2, so that is an approximate figure.

Mr. Ansel reminded everyone of the Laws & Ordinance Committee meeting on December 17, 2007 at 5:30 p.m. in council chambers to discuss the tax credit.

Mr. Ulbright requested Derek Somogy be able to speak as he arrived after the public comment section. Mr. Somogy spoke in support of keeping the tax credit. Mr. Ulbright expressed his satisfaction that a date to bring the Westridge and Northwestern sidewalk issue off the table was set, although the process in doing so earlier in the meeting was a little clumsy. He also expressed concern that the former clerk of council, who he felt did a fantastic job, was being criticized for failing to file annexations with the state elections board since 1986 and he questioned if someone in a higher position should have been overseeing that process. Mayor Mitten explained the clerk of council's job is a big responsibility and that is why she believes it should be a separate part-time/full-time position. Mr. Ulbright suggested that salary for a full-time clerk of council be considered as part of the 2008 budget.

Mr. Breneman reiterated that there would be a Finance Committee meeting on December 11, 2007 at 5:15 p.m. in council chambers to discuss the 2008 budget, which will follow the special council meeting at 5:00 p.m.

IX. ADJOURNMENT

Mr. Griffin moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:40 p.m.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council