

CITY COUNCIL MINUTES
December 15, 2008
7:30 p.m.

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, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Topovski, to approve minutes of the December 1, 2008 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

None

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The Finance Committee held a meeting on Tuesday, December 9, 2008 at 4:00 p.m. in the council chambers of City Hall to review the 2009 Wooster Community Hospital budget and the 2009 General Fund budget. Mr. Ansel reported on the meeting which he said was a great work session that delved into understanding the scope and extent of the budget proposals. He said contingency options are available for the city if the revenues do not rise to offset the expenses, although they are options that have been put off and will continue to be put off until its absolutely necessary. He also noted the city did a remarkable job pairing down the originally proposed budget in terms of about 10% from the originally requested proposal by making additional capital cuts that impact the budget favorably. Mr. Ansel concluded by saying during these tuff economic times we'll all work together to prevent any unnecessary tax revisions, but it may be something that is required in 2009.

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2008-32 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, 2009, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that everyone had time to review the 2009 budget, a deficit budget due to revenues not meeting the projected expenses. He reviewed an amendment to the budget, highlighting an additional \$300,000 general fund budget reduction through the delay of the Milltown improvement plan until 2010. He also indicated the net capital spending is approximately \$2 million and the rainy day fund will be impacted. Mr. Ansel noted the city does have a financial plan and highlighted last year's institution of Phase I, a mandatory filing initiative, that generated approximately \$400,000 of additional tax revenue. The two other initiatives which have been discussed and may have to be considered again, are the repeal of the income tax credit and an income tax adjustment. Mr. Ansel noted these are last ditch efforts that will wait until absolutely necessary, but are contingency options that can be initiated to create additional tax dollars. He stated it was important to pass the 2009 budget before the end of the year so the city can operate accordingly. Mr. Ulbright voiced his concerns regarding the use of the rainy day fund and delaying viable needed projects as a very serious matter. He suggested council keep an eye on the city's budget and believes if the downward trend continues, the next alternative of adjusting the tax credit should be seriously considered.

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

2. Second Reading - ORDINANCE NO. 2008-34 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 (Ansel)

Mr. Ansel stated a review of the Wooster Community Hospital budget was included in the recent finance committee meeting. The executive summary was generated by Wooster Community Hospital outlining the wage change and salary increase proposal for 2009 which represents an average of 2.5% increase across the board for the WCH employees.

Mr. Ansel 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

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

3. Second Reading - ORDINANCE NO. 2008-36 AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER FUNDS AS NEEDED FOR YEAR-END PURPOSES, BUT IN ACCORDANCE WITH THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated this proposal was discussed at the last council meeting and for further clarification the finance department provided a summary outlining the projected expenditure transfers. This housekeeping ordinance would allow the internal departmental transfer of an unencumbered appropriated balance within a fund, from one department or division to another, but only if needed. There is no increased expense as no new and/or additional spending will occur. The ordinance was amended to adjust the date to reflect fiscal year 2008 as there was a concern that it was too general as it did not indicate it was for 2008 specific.

Mr. Ansel moved, seconded by Mr. Steiner, to amend Ordinance #2008-36 to reflect fiscal year 2008 as referenced. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

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

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

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2008-37 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED AT THE NORTHEAST CORNER OF SR 83 AND SMITHVILLE WESTERN ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (John Keating, Esq., Agent for Petitioners) (Buytendyk)

Mr. Topovski recused himself from the discussion. Mr. Buytendyk indicated there has been a lot of previous discussion about this annexation and there are some potential legal issues floating around with regard to the request by the applicants. Mr. Buytendyk stated he would like to keep it on first reading.

2. First Reading - ORDINANCE NO. 2008-38 AUTHORIZING THE CITY OF WOOSTER TO ACCEPT A GIFT OF LAND FROM THE UNITED STATES GOVERNMENT (Topovski)

Mr. Topovski recalled on August 18, 2008, council adopted Ordinance #2008-23 authorizing the city to accept a piece of land from the United States Government at 1676 Portage Road, known as the Ward Memorial United States Army Reserve Center. However, as a result of an inadvertent drafting error by the governmental staff who neglected to include civil rights language in the contract, it was necessary to re-authorize the gift with the additional language in the updated contract.

Mr. Topovski 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

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

3. First Reading - **ORDINANCE NO. 2008-39 DESIGNATING A REVITALIZATION DISTRICT
WITHIN THE CITY OF WOOSTER (Buytendyk)**

Mr. Silvestri recused himself from the discussion and asked if there were any objections to Mr. Ansel chairing the ordinance. There were no objections. Mr. Buytendyk stated this ordinance was in regard to establishing a Revitalization District within downtown Wooster and a map outlining the proposed district was attached to the ordinance. He explained that one of the problems Ohio faces with liquor licenses is there is a limited number permitted per precinct and as a result, downtown areas are in short supply. That makes it difficult for those who want to establish restaurants to get a license. As such, there was a creation to allow additional D-5L liquor permits for establishments that have 75% or more of their revenue generated from food service. A typical bar, mainly serving alcoholic beverages, would not meet the criteria. Mr. Buytendyk indicated he fully supports this proposal as he feels it will further help the downtown attract more viable businesses and suggested moving the ordinance to third and final reading so prospective businesses could proceed with their plans in 2009. Mr. Ulbright expressed his support and questioned if the boundaries of the district could be enlarged to accommodate future growth. Mr. Benson stated this was a brand new statute with no case law, but believed the same legal process would be required in order to amend the district as it was to establish it. As Ward 1 representative, where the district is located, Mr. Schuch too conveyed his pleasure in supporting this action which will help stimulate downtown development.

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

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

4. First Reading - **RESOLUTION NO. 2008-100 AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO EXECUTE AN AGREEMENT WITH THE OHIO
DEPARTMENT OF DEVELOPMENT FOR THE ADMINISTRATION OF A
REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY (Ansel)**

Mr. Ansel stated this is a renewal of an existing application with the Ohio Department of Development for the Community Development Block Grant fund which is a revolving loan that the city has unspent money in. The application must be renewed in order to carry over the funds into 2009, approximately \$180,000, and the city will be applying for additional funds in 2009. The funds are earmarked for the Freedlander demolition and renovation project.

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

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

5. First Reading - RESOLUTION NO. 2008-101 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 (Ansel)

Mr. Ansel stated this contract renewal is for services provided by the county prosecutor's office. The contract has been in existence since 1976 and its part of the countywide program where the city sub-contracts through the county prosecutor's office for 24/7 prosecution on-call services. The cost for these services in 2008 were \$55,320 and the proposed 2009 contract is \$56,760. A comparative review was done to look at competitive costs and it was determined to be cost effective to continue with the county prosecutor's office for these services.

Mr. Ansel 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

6. First Reading - RESOLUTION NO. 2008-102 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES AGREEMENT FOR INSPECTION SERVICES FOR THE OLDMAN ROAD WATER STORAGE TANK, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this is a request to enter into a contract for weld and paint inspection of the new 1,000,000 gallon elevated water storage take currently under construction on Oldman Road. This is a very sophisticated process which must happen before the final site work is done. The requested contract was for the lowest and best quote received.

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

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

7. First Reading - RESOLUTION NO. 2008-103 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF STATE ROUTES 3 AND 302, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this resolution would authorize entering into an agreement with the Ohio Department of Transportation for the resurfacing of State Routes 3 (north of the Dix Expressway) and 302 (through the downtown

area). The estimated total cost of the project is \$1,310,000 of that amount \$468,000 is the city's cost and \$842,000 will be paid by ODOT. If this project is not approved before 2009 the city jeopardizes losing those funds. Mr. Ulbright indicated these streets are well traveled and in need of resurfacing and therefore requested to suspend the rules and put on third and final reading.

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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

8. First Reading - RESOLUTION NO. 2008-104 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner indicated this is a grant the city participated in a show of cooperation with New Pittsburgh, Clinton Township and Jeromesville Fire Department. The grant is through FEMA (Federal Emergency Management Agency) for the purchase of communications equipment to improve radio communications within departments in Wayne County and the surrounding area. The total grant amount is \$246,852 of which the federal government will pay 90% (\$222,167). The city's share of the overall grant is \$80,645.15 and of that amount the city's payment would be 10% (\$8,064.50). These funds will be used to purchase radio and communication equipment that will allow the fire division to be in compliance with the upcoming narrow band requirements as well as update current communications. Mr. Steiner stated he would like to pass this on first reading as the grant has been offered and time is of the essence to accept it.

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

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

VIII. MISCELLANEOUS

Mr. Schuch felt the city should send a letter of thanks to the gentleman from New Pittsburgh Fire Department for his work on the grant.

Mr. Topovski thanked administration for all their work on the budget and the last minutes details.

Council members articulated that 2008 has been an exciting year with a lot of activities, including the Bicentennial. They all expressed their wishes for a safe and happy holiday season and a prosperous 2009.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:35 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council