

**CITY COUNCIL MINUTES**  
**December 16, 2013**

**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. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, and Jon Ulbright. Jeff Steiner was absent.

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

**II. APPROVAL OF MINUTES**

Mr. Silvestri moved, seconded by Mr. Ansel, to approve the December 2, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mr. Breneman asked council to consider the time constraints with several pieces of legislation on the agenda. Those pieces of legislation are the budget (Ord. No. 2013-43), zoning code amendments (Ord. No. 2013-44), police union contract (Ord. No. 2013-46), and the purchase of real estate involving a state Community Development Block Grant (Ord. No. 2013-47).

Mr. Buytendyk noted that council members received a memorandum from the Mayor requesting approval for re-appointing Mr. James Lanham to the Income Tax Board of Review. Mr. Sanders moved, seconded by Mr. Silvestri, to approve the re-appointment. Upon voice vote, motion carried unanimously.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The following members of the public spoke: Dennis Vitaro, 2846 Woodside Dr. (Res. No. 2013-47); Julie Pooler, 1814 Burbank Rd. (Ord. No. 2013-44); April Gamble, 15 Salter Rd. (Ord. No. 2013-44); Sally Miller, 109 N. Walnut St. (Ord. No. 2013-44); Joyce Burdno, 1913 Blair Blvd. (Ord. No. 2013-44); Linda Houston, 1825 Burbank Rd. (Ord. No. 2013-44); and Greg Gehris, 347 N. Grant St. (Ord. No. 2013-44).

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

City Administration requested that Mr. Buytendyk and Ms. Knapic be appointed to the Community Reinvestment Area Housing Council. Mr. Cavin moved, seconded by Mr. Ulbright, to approve both appointments. Upon voice vote, motion carried unanimously.

**VI. OLD BUSINESS**

1. Third Reading – ORDINANCE NO. 2013-43 AN ORDINANCE 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, 2014, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel complimented Mr. Scott Boyes from Wooster Community Hospital and Mr. Dordea for the hard work they and their staff put into the 2014 budget process. He also thanked council members for their diligence and contributions to the process. Mr. Ansel stated that the draft of the budget has been available for review for two months, council has held two committee meetings, and held hours of conversation with the city Finance department. Mr. Ansel reminded everyone that the budget is for both the city and the hospital. Mr. Ansel stated that this is the first budget in three years that has had adequate funding, thanks to the income tax increase passed by the voters. That tax will generate \$5 million in additional revenue for the city's general fund. The capital improvements fund will receive \$3 million of that increase. The remaining \$2 million will be used to make up the difference that was lost now that the estate tax has been eliminated and local government funding has been cut. Mr. Silvestri thanked Mr. Dordea and Mr. Montgomery for taking the time to go over the budget with him and to answer his questions. Mr. Buytendyk noted that Mr. Dordea informed the Finance Committee that, had the income tax increase

not been approved, the city would have had a deficit of approximately \$2.44 million in 2014. This would have resulted in city service cuts in mid-2014. Mr. Cavin wished to emphasize Mr. Ansel's reference to the loss of the estate tax funds and how crucial he believed it was to pass the income tax increase to fill the hole left by that loss.

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

2. Third Reading – ORDINANCE NO. 2013-44 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)

Ms. Knapic stated that there has been much good discussion on the proposed amendments and she wished to affirm to residents that council and city administration listen to residents' concerns and have spent a lot of time on this issue. Ms. Knapic stated she wished to amend the proposed zoning code amendments to keep Public safety, health or utility facilities designated as conditional use.

Ms. Knapic moved, seconded by Mr. Cavin, to amend the proposed zoning code amendments to keep Public safety, health or utility facilities designated as conditional use. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ulbright asked if Ms. Knapic could point out the places where the conditional use designation was restored. Mr. Dutton also pointed out that an additional change was made in Table 1147.05 where a footnote was added to make it consistent with other portions of the zoning code. Mr. Silvestri asked Mr. Dutton about the addition of R-5 zoning districts to item seven in Table 1147.06. Mr. Dutton explained that it was to correct a previous oversight and that R-5 should be included in that portion of the table.

Ms Knapic moved, seconded by Mr. Silvestri, to adopt the ordinance as amended. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

3. Third Reading – RESOLUTION NO. 2013-92 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER'S SWIMMING FACILITIES, AND DECLARING AN EMERGENCY (Cavin)

Mr. Cavin noted that the Public Health and Leisure Committee met the previous week to discuss this legislation. He stated that the committee met at Layton School, listened to a presentation from city administration, and had discussion regarding the contract and expectations for performance. Mr. Ulbright asked about the suggestion to restore the hours for both swimming pools to a full six days and if the contract would include that change. Mr. Montgomery replied that the city would like to proceed by adding days, monitoring the attendance, and making decisions based on that information. He said the city could add the sixth day into the contract and have also talked about adding some evening hours. Mr. Montgomery also pointed out that those with pool passes would also be allowed to use the natatorium. To support the legislation, Mr. Ulbright stated that he would like to see the pools open for six days per week and would agree with watching the attendance and making decisions based on the collected data. Mr. Ulbright also added that he agreed with a comment Mr. Buytendyk made at the committee meeting in that he said the city and council had promised to restore city services to the level where they were before the downturn of the economy and state budget cuts. Mr. Ulbright would like to see that happen for the 2014 season and then evaluate and make any needed adjustments for 2015. Mr. Cavin stated that there had been a lot of contention as to the actual savings of the contract, that he did not care for it, and that he would not be supporting the legislation. Mr. Silvestri stated that he some serious concerns about this contract and some of the past arrangements. However, he said he had come to the conclusion that he has been reassured by city administration that the city would still retain control of the pools and that he thought it was great that the YMCA has come

forward with this proposal. Mr. Silvestri stated that he believed that, with the breadth of experience of the administrative staff at the YMCA, he is fully confident in their competence and ability to manage the pools. Mr. Silvestri said he would be willing to support Mr. Ulbright's suggestion to keep the pools open an extra day each week. Mr. Montgomery stated that it would cost an additional \$13,000 to keep the pools open for the extra day; however, that would still be less than what it would cost the city to run the pools and the budgeted amount would be sufficient to allow for that increase. Mr. Cavin noted that the city could lose revenue with the proposed arrangement since YMCA members would be allowed to use the city pools at no charge. Mr. Montgomery responded that was taken into account when budgeting for the pools. Mr. Montgomery also stated that the swim team from the YMCA is required to have pool passes and will still be required to do so, which means that revenue will remain. Mr. Montgomery stated that there is an amount of risk with this arrangement, but the contract stipulates that if revenues are off more than 10%, then the contract would be re-opened and adjusted before final payment is made to the YMCA. Mr. Cavin voiced concern that the city would still have to monitor the YMCA's management of the pools, which would make any savings negligible. Mr. Montgomery and Ms. Knapic also pointed out that the city would not be liable for any Bureau of Workers' Compensation claims. Ms. Knapic said that the YMCA and its employees are members of the community and is confident they are worthy of trusting with the operation of the city pools and have experience doing so. Mr. Ansel also pointed to the YMCA's experience running the natatorium year round and noted that they should be well-suited to operate the city pools. Mr. Ansel also echoed Ms. Knapic's comment that the YMCA is part of the community and wants to see the partnership succeed as well. Mr. Ansel also noted that the city would no longer have to fund OPERS for the pool employees who, unless they were public employees again in the future, would never draw a pension.

Mr. Cavin moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried by a vote of five to one. (Ansel-yes; Cavin-no; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

4. Second Reading – ORDINANCE NO. 2013-46 AN ORDINANCE AUTHORIZING 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 (Steiner)

Ms. Knapic presented this legislation in Mr. Steiner's absence. Ms. Knapic noted that the agreement negotiated between city administration and the police union allows for a wage freeze to continue in exchange for one-time \$2,000.00 stipends in 2014. The agreement would extend the current contract terms for one more year. Ms. Knapic stated that it was generous of the police union to agree to extend the contract for another year without a pay increase.

Ms. Knapic 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; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

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

## **VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2013-47 AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated that the purchase of property would be fully reimbursed from the city's 2012 CDBG grant funds. Also of note, this purchase is intended to allow space for additional parking spaces and will eventually become part of the Downtown Exemption Area.

Mr. Silvestri 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; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

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

2. First Reading – ORDINANCE NO. 2013-48 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright explained that this legislation is to approve changes recommended by the Traffic Commission, which Mr. Ulbright read for the record.

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

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

3. First Reading – RESOLUTION NO. 2013-96 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH WOOSTER TOWNSHIP FOR THE HOUSING, OPERATION AND MAINTENANCE OF A FIRE TRUCK AT WOOSTER FIRE STATION #1; AND FOR FIREFIGHTING ASSISTANCE IN THE VICINITY OF PRAIRIE LANE, AND DECLARING AN EMERGENCY (Steiner)

Ms. Knapic stated that this agreement is renewed periodically and the agreement has been in effect for more than forty years. The agreement will begin on January 1, 2014 and expire on December 31, 2016.

Ms. Knapic 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; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

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

4. First Reading – RESOLUTION NO. 2013-97 A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

Mr. Ansel explained that the economic development monies are derived from the transient occupancy tax collected from hotel use in the city. Main Street Wooster, the Wooster Area Chamber of Commerce, and the Wayne County Convention and Visitors Bureau submitted a joint application stating they agree to split the funds with predetermined percentages. Mr. Ansel stated that this application was the only one submitted. Mr. Ulbright asked how much money is usually in the fund and dispersed to the participants. Mr. Dordea responded that the city usually collects approximately \$200,000.00 annually, of which \$100,000.00 is dispersed to the entities participating in the program. Mr. Ansel added that the city expects a return on the investment, which the entities have calculated a \$20.00 return for each \$1.00 dispersed to them.

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; Knapic-yes; Sanders-yes; Silvestri-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; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

5. First Reading – RESOLUTION NO. 2013-98 A RESOLUTION 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 that he would keep this resolution on first reading to allow council members sufficient time to review the material for the nine enterprise zone and approximately 18 community reinvestment act agreements that are recommended to be continued.

6. First Reading – RESOLUTION NO. 2013-99 A RESOLUTION DECLARING IT NECESSARY TO IMPROVE AKRON ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright noted that two clerical errors in the resolution needed to be corrected. The dollar figure \$65.14 needed to be changed to \$51.40. Mr. Buytendyk stated that it was sufficient to make the correction in the document and that council need not vote on the correction. Mr. Ulbright noted that ODOT will be providing \$2,320,000.00 of the \$3,775,000.00 needed for the project. Mr. Ulbright went over the payment options for residents who will be assessed for a portion of the construction project. Mr. Ulbright and Mr. Roger Kobilarsik asked council members to approve this legislation so that the city can meet the funding schedule deadlines set forth by the Ohio Department of Transportation.

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

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

7. First Reading – RESOLUTION NO. 2013-100 A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALKS AND CURB RAMPS ON WEST HIGHLAND AVENUE, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright noted that of the \$220,000.00 cost of this sidewalk project, all but \$4,000.00 of it will be covered by budgeted city funds or the Ohio Department of Transportation's Safe Routes to School program funds. The remaining \$4,000.00 will be assessed to the adjoining property owners. Mr. Ulbright stated that this project will install sidewalks along West Highland Avenue between Christmas Run Boulevard and Oak Hill Road. Mr. Ulbright noted that a portion of this project will be to enclose the ditch along the north side of West Highland Avenue in preparation for future road improvements. Mr. Ulbright said that the city usually improves the roadway first, but that it will likely be improved in the next several years. Mr. Silvestri thanked Mr. Ulbright and the city administration for seeking out the Safe Routes to School (SRTS) funds for this project. Mr. Montgomery reminded council that the projects that were to be funded with the SRTS came from a Safe Routes to School committee which was made up of residents, school representatives and Mr. Ulbright was also on the committee. Mr. Montgomery stated that the SRTS projects came from surveys and reaching out to parents, school teachers and residents, etc.

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

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

**VIII. EXECUTIVE SESSION**

Mr. Ansel moved, seconded by Mr. Ulbright, to go into executive session to discuss litigation. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ulbright moved, seconded by Ms. Knapic, to reconvene from executive session. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

**IX. MISCELLANEOUS**

Mr. Silvestri stated that he would like to see the city resume hanging notices on residents' doors when the city plans to plant trees in the tree lawn to provide advance notice to residents.

**X. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 10:29 p.m.

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Michael G. Buytendyk  
President of Council

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Amy M. Hamilton  
Clerk of Council