

WOOSTER CITY COUNCIL MINUTES
December 21, 2015

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. All members of City Council were present. City Administration present: Mayor Bob Breneman, Finance Director Andrei Dordea, Director of Administration Joel Montgomery, Law Director Richard Benson, Fire Chief Barry Saley, City Engineer Roger Kobilarcsik, Zoning Manager Andrew Dutton and Police Chief Matt Fisher.

II. APPROVAL OF MINUTES

Councilwoman Knapic moved, seconded by Councilman Myers to approve the minutes of the December 7th, 2015 regular meeting. Upon voice vote the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman extended his thanks to the Finance and Administration Directors for their efforts in presenting the 2016 budget. He went on to wish Mr. Steve Slack of the OARDC well in his recent retirement. The Mayor presented Council with soap pumps that are being produced in their new local facility and then shared details of a recent tour of the facility. The Mayor introduced District 1 State Representative Ron Amstutz to speak and answer questions regarding House Bill 5. Rep. Amstutz present Council with a handout and shared details regarding the evolution and his involvement with House Bill 5. There was general discussion between Rep. Amstutz and various council members and city administration on opinions and potential impacts of House Bill 5 in Wooster and the need for improved intergovernmental communications.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

- I. Liquor Control Hearing Notice
 - a. TA Operating, LLC (Mini Mart)

Councilwoman Knapic motioned to waive a right to a hearing, seconded by Councilman Ulbright. Upon roll call, motion passed unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

- I. Finance Committee Report

Councilman Ansel noted he would give his report during the third reading of Ordinance No. 2015-37.

VI. OLD BUSINESS

- 1. Third Reading – ORDINANCE NO. 2015-37 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, 2016, AND DECLARING AN EMERGENCY (Ansel)

Councilman Ansel gave a brief overview of the 2016 Annual Budget and extended his thanks to the cities administrative and finance teams for their hard work at presenting the budget and his thanks to the finance committee who reviewed the budget. Councilman Ansel noted the budget is technically balanced, but does have a structural deficit of \$296,116.00 as a result of a change in the way the Bureau of Worker's Compensation will bill the City of Wooster. Councilman Ansel recommended unanimous approval. Councilman Ulbright extended his thanks and appreciation to the city employees who invested a lot of time and effort to create the 2016 budget. Councilwoman Knapic noted she will vote for the budget, but

expressed concerns relating to cutting the budget too closely and ending up with a deficit budget at the end of the year in the event overspending occurs. Councilman Silvestri extended his thanks to the administration as well for their efforts, but went on to reiterate his preference and focus on using tax increase monies in capital improvements. President Buytendyk expressed his support for the budget as well and echoed the sentiments of Councilwoman Knapic.

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

2. Second Reading – ORDINANCE NO. 2015-41 AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1701 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, INCOME TAX, IN ORDER TO COMPLY WITH OHIO LAW, AND DECLARING AN EMERGENCY (Knapic/Ansel)

Councilwoman Knapic reviewed the changes as a result of House Bill 5 and the need for adoption in order to comply with state law and thanked Rep. Amstutz for coming to address council on this issue. Councilwoman Knapic expressed her wish that moving forward State Representation would do a better job at communicating possible impacts to locales. Councilman Silvestri reiterated his belief that H.B. 5 is an overreach by the state government. Councilman Ulbright extended his thanks to Rep. Amstutz for coming to speak to council.

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

3. Second Reading – ORDINANCE NO. 2015-42 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Councilman Ansel reiterated that at times it becomes necessary to shift monies within funds near the end of the year within departments and divisions. The current measure would give the Mayor/Finance Director the discretion and authorization to execute these fund transfers. Councilman Silvestri asked if this change is a violation of the Charter. Mr. Benson reviewed the applicable portion of the Charter and noted he does not believe it is a violation of the Charter. Mr. Dordea gave a detailed explanation as to why he needs this authority at year end to ensure the city meets its financial obligations. Mr. Benson noted this is not new money, simply shifting budgeted/appropriated funds within divisions and departments to ensure financial obligations are met. Councilman Silvestri expressed his reservations regarding the ordinance and communicated he could not support it, deeming it a violation of the Charter and his oath of office. Councilman Ansel rebutted the assertion of violating the Charter and oath of office by referencing part of the Charter which gives council the authority to make changes by passing an ordinance.

Councilman Ansel moved to suspend the rules and place on third and final reading, seconded by Councilwoman Knapic. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes). Councilwoman Knapic moved, seconded by Councilman Myers, to adopt. Upon roll call, motion to adopt passed (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-no; and Ulbright-yes).

4. Second Reading – RESOLUTION NO. 2015-75 A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

Councilman Ansel gave a brief overview of the application details for use of bed tax monies for the purposes of economic development by the Wooster Area Chamber of Commerce, Main Street Wooster, and the Wayne County Visitors Bureau. He also commented all the organizations on the collaboration and team work they have and continue to show. Councilwoman Knapic expressed her pleasure and appreciation to these organizations for their efforts. Councilman Ulbright expressed his appreciation to the organizations for their efforts in investing the monies back into Wooster. Councilman Myers expressed his appreciation and commended the groups for their efforts.

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

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2015-78 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO STATE HISTORIC PRESERVATION OFFICE FOR GRANT MONIES; TO APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

Councilman Ansel noted the unique opportunity to apply for these types of grant monies and gave details as to what can be achieved if approved. Mayor Breneman expressed his appreciation to Mr. Dutton for his efforts to find and apply for this grant money.

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

2. First Reading – ORDINANCE NO. 2015-43 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Councilman Ansel noted the ongoing saga of litigation relating to the water pollution control plant. He noted the ordinance will allow the city to accept settlement funds closing out years of litigation. The City of Wooster will receive \$655,297.51 of the \$1,000,000.00 settlement total. President Buytendyk commended the city administrative team for the perseverance in pursuing compensation for the city.

Councilman Ansel moved to suspend the rules and place on third and final reading, seconded by Councilwoman Knapic. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes). Councilman Ansel moved, seconded by Councilman Myers, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-no; and Ulbright-yes).

3. First Reading – RESOLUTION NO. 2015-79 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH POGGEMEYER DESIGN GROUP FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO PHASE I OF THE CITY’S PROPOSED BICYCLE TRAIL SYSTEM (Ulbright)

Councilman Ulbright reviewed the details and cost associated with the engineering needs to move forward with phase 1. Councilman Ulbright then reviewed the physical locations of phase 1. He noted the formation of the bike path is a direct result of citizen input during the formation of the comprehensive plan and their desire to have it. Councilman Myers encouraged support in order to take advantage of over \$700,000 in grant monies already awarded to Wooster. Councilman Silvestri asked if trees on the Layton property were going to be able to be preserved. Mr. Kobilarcsik thinks the trees are part of the easement granted to the city but is not sure if the trees can be kept.

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

4. First Reading – RESOLUTION NO. 2015-80 A RESOLUTION AMENDING RESOLUTION NO. 2014-49 BY INCREASING THE AMOUNT OF THE CONTRACT (Sanders)

Councilman Sanders noted this measure appropriates additional monies to cover ongoing legal expenses relating to litigation with enviroclean. Councilman Myers expressed his annoyance at the increasing cost of this ongoing litigation. Mr. Benson noted that litigation is expensive but that this was a necessary pursuit to resolve the ongoing issues that were affecting a large portion of the city adversely. Councilman Ulbright asked if by pursuing this litigation if Wooster has set a positive precedence for others. Mr. Benson expressed his belief that yes, there has been a positive impact and precedence set. President Buytendyk noted the city had to pursue this litigation in order to protect the citizens of Ward 1 and the well water fields.

Councilman Sanders moved to suspend the rules and place on third and final reading, seconded by Councilman Cavin. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes). Councilman Sanders moved, seconded by Councilman Cavin, to adopt. Upon roll call, motion to adopt passed (Ansel-yes; Cavin-yes; Knapic-yes; Myers-no; Sanders-yes; Silvestri-yes; and Ulbright-yes).

VIII. MISCELLANEOUS

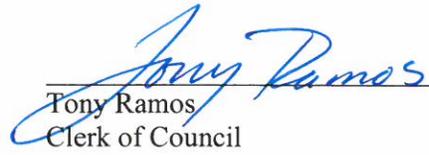
Councilwoman Knapic expressed her appreciation to council for what they were able to accomplish in the last year and wished the residents of Wooster a Merry Christmas and Happy Holiday’s. Councilman Ulbright echoed the sentiments expressed by Councilwoman Knapic. Councilman Myers wished all Happy Holiday’s and offered his congratulations to those members of council who were sworn in before the meeting. Councilman Ansel expressed his pleasure at the accomplishments of council as well and offered compliments to the administrative team as well. Councilman Silvestri extended his thanks to those who voted for his reelection, he went on to express that he appreciates the strong working relationship council has with the Mayor and the administrative staff. He also expressed his wish to say the trees at the Layton property with respect to the bike path. Councilman Cavin wished all a Happy Holidays. President Buytendyk expressed his pleasure with the hard work and civility council displays in their efforts to be good stewards of Wooster.

IX. ADJOURNMENT

Councilman Ulbright moved, seconded by Councilwoman Knapic, to adjourn. Motion carried and meeting so adjourned.



Michael G. Buytendyk
President of Council



Tony Ramos
Clerk of Council