

CITY COUNCIL MINUTES
April 16, 2007

President Judi Mitten called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers and upon roll call, members answered present as follows: Ansel, Breneman, Cavin, Griffin, Silvestri, Topovski, Ulbright.

Mr. Silvestri moved, seconded by Mr. Ansel, to approve the minutes of the April 2, 2007 meeting as received. Motion carried.

Mr. Sigg stated that council should have received a copy of the new fee schedule; we hope to have the new water/sewer rates in the near future.

The following people spoke to city council during public input: Kevin Breeden, 620 Arlington Drive (water tower); Bob Meyer (water tower).

Ms. Mitten stated that Relay for Life applications were distributed to all council members this evening; there is a \$10.00 fee to register for this yearly event which will be held June 8-9 this year. One of our city employees, Saralyn, is a cancer survivor and now with Jamie's illness, it might be a good time for all of us to sign up and be a part of this event. The deadline for signing up is this Thursday and I would encourage as many council members as possible to take part in this worthwhile event and spend some time getting to know the employees of the City.

Mr. Ansel stated that an extensive Laws & Ordinances committee meeting was held last Thursday, April 12, in council chambers with a packed agenda. We had great participation with other members of council as well as valued public input and the agenda was the design standards review and the signage code; both of which we made great progress on. We met again earlier this evening and we still have one item regarding height that we need to finalize and the RT district zoning so in three weeks we should have a document to present to council on second reading. Our committee has worked hard and diligently to get this extensive document completed and we're just about there; I'd like to thank Mr. Silvestri and Mr. Topovski for all their hard work up until this point in time.

Mr. Griffin moved, seconded by Mr. Breneman, to remove from the table Ordinance No. 2007-11. Upon roll call, motion carried unanimously. Ordinance No. 2007-11 authorizing the purchase of real estate and declaring an emergency was read by title. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Mr. Griffin stated that this issue had been discussed at great length; this was to purchase a one acre parcel north of Schellin Road for the price of \$75,000. This one-acre lot will accommodate a new 500,000 gallon water tank which will alleviate the water pressure problem and the safety issue in the north end where we are drastically short on water storage and capacity. We are providing utilities and safety services for industry, schools, retail businesses, churches and residents. This was the only site available to us at this time with a willing seller. Mr. Benson addressed very well to us in a memo the issue of imminent domain.

Mr. Topovski stated that still had a concern about going outside the city to build this water storage tank; however, in researching some information given to council in 2006 on other locations that might be viable, this was the only location that was available with a willing seller. It would also cost more (approximately \$20,000) to extend water lines to an alternate location.

Mr. Ulbright commented that no matter how we vote tonight, he wished to impress on everyone here and elsewhere that these decisions are not easy and if anyone thinks one can live in this community inside the city or outside and make these decisions that we have to make easy without a lot of soul searching, they have not sat in our seats. Every once in a while we get one of these hard decisions where you can't please everyone and the bottom line is we were elected to do what's in the best interest for the City of Wooster and we hope that includes people in the area surrounding Wooster and beyond. The bottom line for us is to do what's best for Wooster.

Mr. Silvestri thanked everyone who attended the meeting and who had something to say to this issue tonight. To follow up Mr. Ulbright's comments, we all enjoy the utilities provided by a water tower but it's unfortunately pretty unsightly when one of the monstrosities is in our back yards or across the street from us. Once again, it's a matter of who this is going to affect and it affects us all but we enjoy the benefits of it and now we're between a rock and a hard place and this project really needs to go forward.

Upon roll call, motion to adopt the ordinance passed by a 6-1 vote; Mr. Silvestri casting the negative vote.

Ordinance No. 2007-16 amending Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, Ohio, so as to zone newly-annexed land (19.411 acres) to a C-5 (Planned Business) District for property located on the south side of Dover Road (SR 250), between Dover Road and Millersburg Road (SR 83) was read by title, being on third reading. Mr. Ansel moved, seconded by Mr. Breneman, to adopt. Mr. Ansel stated that this was the follow-up legislation to the ordinance for annexation of these 19.411 acres for land at the convergence of Route 250 and Route 83. This was to zone the land to a C-5 commercial development district where construction had already commenced and where the infrastructure was also being developed. We need to get this property zoned now that it has been annexed. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-41 declaring the necessity of constructing sidewalks and curb ramps on portions of East Highland Avenue, and declaring an emergency was read by title, being on third reading. Mr. Topovski moved, seconded by Mr. Griffin, to adopt. Mr. Topovski stated that this has had two prior readings with much discussion; it's gone through committee and it was determined that this was a priority on the list for filling in a sidewalk gap and was in the vicinity of two major schools – that being Edgewood and Wooster High. Mr. Topovski stated that he had received no comments or phone calls regarding this project and it's time to move forward with this. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-18 amending the pay ranges for temporary, seasonal and part-time employees by implementing the statutory minimum wage; and adopting a pay range for the new position of Clerk of City Council was read by title, being on second reading. Mr. Ansel moved,

seconded by Mr. Silvestri, to divide the reference ordinance into two separate issues to be known as Ordinance 2007-18A and 2007-18B. Because of the division, he planned to leave these two pieces of legislation on second reading. Upon roll call, motion to divide the legislation carried by a 6-1 vote; Ms. Cavin casting the negative vote. The clerk read Ordinance No. 2007-18A amending the pay ranges for temporary, seasonal and part-time employees by implementing the statutory minimum wage was read by title, being on second reading. Mr. Ansel stated that this was the update required with the minimum wage compensation update that was mandated federally and this would allow us to adhere for seasonal and part-time employees to conform to the new minimum wage standard. Mr. Breneman stated that this issue was a done deal; the state raised the minimum wage and we have to follow suit so this was coming into compliance with what was already mandated; was there a reason we couldn't move this forward tonight.

Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-18B adopting a pay range for the new position of Clerk of City Council was read by title, being on second reading. Mr. Ansel stated that this would remain on second reading this evening as it would require additional discussion and he would like to make a recommendation as chair of the Laws & Ordinances committee. This ordinance was to establish the Clerk of Council position that would be vacated after this meeting by Ms. Stanley and currently the charter states that council will make that selection or approve that selection or recommendation. Currently, we do not have a compensation range or position so this was a formality to create that position and compensation range for the soon to be vacated Clerk of Council position. He was asking that this remain on second reading; he had received a lot of feedback from his colleagues on council and this was a replacement that was going to be a very difficult and challenging replacement and a very important position for council and there's a lot of dynamics within the President position currently and even more so in the near future with the incumbent stepping down and two members of council running for that position as well as Protem having input in terms of what would be the most efficient approach to replacing this important position. We had established an HR review committee; we've solicited potential candidates through classified advertising so the wheels are in motion in terms of how we are going to fill the void. That being said, the past practice had been for the city's legal liaison to fill the void in absences and vacations and short-term vacancies and he asked Mr. Sigg if they would continue with that practice. Mr. Sigg stated that they would make the necessary arrangements until the decision was made as to who was going to fill that position. On behalf of the Laws & Ordinances committee, we would recommend that a meeting be chaired where that discussion was hashed out and we can proceed accordingly. Ms. Cavin asked if we pass this next reading, that does not prevent the decision from being made to go ahead and utilize Mr. Benson's assistant to fill this position; this would give us either option? Mr. Ansel stated that was correct. Ms. Mitten stated that this ordinance only places this position on the city's organizational chart; council isn't making any decisions by passing this. The next step would be to compose a job description and she felt that the administration and council needed to work together to create a complete job description, no matter who gets the position. There also needs to be some kind of compensation because we all know that Ms. Stanley has had to deal with eight different personalities and every two years, they can change. Whoever takes this position needs to get

compensation from council and there needs to be a spelled out job description as to what council expects from the clerk of council and what the administration needs from the clerk of council because these need to merge and that's what this ordinance would allow to happen. Discussion followed.

Ordinance No. 2007-20 amending Ordinance No. 2006-56, the authorized range of pay scales and benefits for hourly rated and salaried employees at Wooster Community Hospital, by the addition of a new range of compensation for physicians employed by the hospital, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that the hospital board of governors was the group we recognize as the body that runs the hospital along with the administrator, Bill Sheron. Everyone should have received a memo from Mr. Hochstetler explaining this position. This wasn't being initiated to hire a doctor or additional personnel; it was a position that used to be on the books and we're trying to create this position so that if in the future there appears to be a need for this, the process wouldn't be slowed down by want of a position and the process to create one at that time. Mr. Breneman stated that this would remain on first reading with the intention of moving it forward at the next meeting.

Resolution No. 2007-45 authorizing the Director of Administration to contract with the Nick Amster Sheltered Workshop for cleaning services for the municipal building, and declaring an emergency was read by title, being on first reading. Mr. Ulbright stated that this was a contract between the city and another public governmental entity, Nick Amster Sheltered Workshop; it was a budgeted item and was more than \$15,000 so it needs to come before council for approval. Mr. Ulbright stated that to bid this out and make it open to a commercial cleaning company would involve more cost but also would not benefit this public entity in our city so not only do we get fine work from this organization but if we continue this contract with Nick Amster, we also benefit them as another governmental entity. Mr. Ulbright moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-46 authorizing the Director of Administration to purchase vehicles in accordance with the capital plan for 2007, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that this would authorize the purchase of a 2007 Pierce fire engine and would replace a 1976 American LaFrance vehicle which was well overdue for replacement. There have been a chain of events that uncovered the fact that this was somewhat of an oversight or it could have been a stretching of the budget or cost savings. Nonetheless, we need two solid fire engines for our front line of defense for our fire protection in the city and specifically at station #1. This full amount was budgeted; if anyone has questions, the chief is in the audience. A short discussion followed. Mr. Silvestri moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Ms. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-47 authorizing the Director of Administration to enter into contracts for emergency repairs to the intersection of Madison and Timken Roads, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that as all of his

colleagues were aware, there was an accident at this intersection while the maintenance staff was adjusting wire heights, etc., an oversized truck came by and pulled all the wiring and signals down. We now have to replace these signals; at the present time we're operating on a stop sign basis at this location. One of the upgrades that would come from this was that these traffic lights would be set with camera sensor devices. We need to get this intersection functioning with the proper traffic controls. Mr. Ulbright asked if the insurance would cover part or all of this cost. Mr. Sigg stated that we had notified our insurance company and they will pay for most of the replacement costs (excluding the camera sensors) and we have a \$1,000 deductible policy. Mr. Sigg stated that when this was completed, he could provide a comprehensive breakdown of the costs involved. Mr. Silvestri asked Mr. Sigg if he could explain the chain of events to get this resolution before us and what the time frame was to get this completed. Mr. Sigg stated that it does take time for the concrete bases to cure for the posts to be placed; everything was on order and we're just waiting for the equipment to come in and we proceeding with all due speed to get this busy intersection working properly and safely. Mr. Topovski moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Topovski moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-48 authorizing the Director of Finance to issue payment for services rendered under contract(s) with vendors or for services provided to the municipality, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that she had spoken with Mr. Malta earlier today; this was for the Gault Recreation Center as the city does utilize this facility. It was her understanding that they had not billed us on a regular basis, so the cost had accumulated and went over the \$3,000 threshold for council approval for a purchase order to be issued and payment made. Ms. Cavin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

President Mitten stated that she wished to do something a little different this evening; she asked that everyone stand and applaud our clerk.

Mr. Ansel moved, seconded by Mr. Topovski, to adjourn. Motion carried and meeting so adjourned at 8:40 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council