

CITY COUNCIL MINUTES

December 19, 2005

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

Mr. Silvestri moved, seconded by Mr. Breneman, to approve the minutes of the December 5, 2005 meeting as received. Motion carried.

President Mitten stated that City Council had received a letter from Chief Thornton regarding the yearly letter from the Ohio Division of Liquor Control advising us that all the liquor permits are up for renewal. He advised that there weren't any at this time and wouldn't object to any license being renewed, so I assume no one wishes to place an objection with the state.

The following people spoke to City Council: Judy Harland, 434 Spink Street, supporting the Pallotta Properties gift of land to the city; Joe Murr speaking to the issue of taping the council meetings.

Mr. Breneman stated that the Finance Committee has met twice since the last council meeting; last Tuesday for about 3 ½ hours discussing all aspects of the General Fund budget including capital improvements. We then met Thursday for another two hours to hash out any further questions and he was happy to report that we came out of that meeting with the three members of the finance committee bringing forward a unanimous proposal to City Council that we adopt the budget that's been placed before us in modified terms (as handed out this evening). He thanked his committee members; they worked very hard and he appreciated their time and assistance in trying to work out a budget that we all can live with this year.

Mr. Griffin addressed the issue of gas aggregation; he had received several inquiries from citizens asking about this subject and whether the City had looked into that. A short discussion followed regarding the pros and cons of this issue.

Ordinance No. 2005-38 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, 2006, and declaring an emergency was read by title, being on third reading. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt the ordinance. Mr. Breneman stated that a budget is a plan; it's a best guess as far as what we're planning to bring in as far as revenue and what we are appropriating as expenditures over the next year. Mr. Breneman reviewed the process that occurred to bring this budget forward and some of the cuts that were made to the budget. A lengthy discussion followed. Ms. Cavin moved, seconded by Mr. Ulbright, to add \$30,000 back into the budget for the council recording system. A short discussion ensued and upon roll call, the amendment failed by a 4-3 vote as follows: Cavin-yes; Griffin-no; Silvestri-no; Topovski-yes; Ulbright-yes; Breneman-no; Buytendyk-no. Upon roll call, motion to adopt the ordinance carried unanimously and the budget was adopted.

Ordinance No. 2005-48 authorizing the City of Wooster to accept a gift of land from Pallotta Properties, Inc. was read by title, being on first reading. Ms. Cavin stated that Mr. Pallotta has made a very generous offer to gift the city with a piece of land that sits across Liberty Street from STEPS. A few years back, the "DiGiacamo" building sat there but was demolished because of a fire that destroyed much of the building. The City will improve the property to a park like setting;

it was the entrance to the downtown from the eastern part of town. Mr. Malta has provided us with pictures of what this might look like once we have had the opportunity to improve it. Ms. Cavin moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion carried unanimously.

Ordinance No. 2005-42 revising the authorized range of pay scales and benefits for hourly rates and salaried employees at Wooster Community Hospital, and repealing former ordinances, and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that this had been planned in the hospital budget, which was a part of our city budget that we just unanimously adopted. The hospital is proposing a 3% wage structure increase affected 1/8/06 that will keep the hospital within 1.5% of projected 2006 market averages. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt.

Ordinance No. 2005-44 authorizing the City of Wooster to pick up a portion of the statutorily required contribution to the Public Employees Retirement System of Ohio for management, supervisors, confidential and administrative support employees of the city pursuant to I.R.C. Section 414(H)(2), and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that this was for employer pick-up increasing from 2% to a 4% pick-up for PERS for the management and supervisors. This was a way to thank them and was a wage increase but brings it in line more with what the unions are making. Mr. Ulbright asked if this wasn't almost if not exactly the same ordinance that was tabled earlier this year? Mr. Sigg said that was correct. Mr. Ulbright asked the law director if it was standard operating procedure to propose a new ordinance for one that has been tabled within a year's time. Mr. Benson said he wasn't aware that we'd done it before. Mr. Ulbright asked if it wouldn't be proper to take the original ordinance off the table and vote it up or down before we vote on an identical ordinance? Mr. Benson said that was certainly an option and was for council to decide upon.

Ms. Cavin stated that she was against this; the next ordinance on the agenda will take care of the compression issue. This was in addition to the raise that the same individuals will get and if she recalled correctly when this was originally discussed, the average salary of that group was \$55,000 a year give or take a little. With the mandatory increase and what we will be contributing, the net will be that we will be contributing 18% of their salary to their pension plan and they will be contributing 4%. That was unheard of in any private industry that she could find in this area. Considering we've just had this big drawn-out discussion about the budget and cutting back and people losing their jobs, she felt this was overkill.

Mr. Silvestri stated that Mr. Ulbright brought up a good point about the tabled ordinance and he felt he had an obligation to the public to make these changes visible and to be able to make their position known. He was all for keeping the pay of our employees within the city competitive; it was very important and looking into increasing economic development in a significant way and to make sure it happens, he felt it was important that we pay our employees competitive wages.

Ms. Mitten asked that all council members receive a copy of the tabled ordinance prior to the next meeting.

Ordinance No. 2005-45 adopting new pay ranges for management positions and for supervisors, confidential, and administrative support positions was read by title, being on second reading. Mr. Breneman stated that this entire packet of ordinances deals with pay for management and supervisors within the city. Mr. Breneman reviewed the structure of the city's pay groups and who

comprised each group. All the groups except management receives 2% increases and over the past four years, all other employees have experienced an increase except management. What we're trying to do with some of this legislation is to bring parity back into the management positions within the City of Wooster. We all should have received the report from Gortz & Associates which listed a breakdown of management and employee breakdown of wages in demographics compared to other cities our size along with pay scales. A short discussion followed. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-46 amending Chapter 162, Management Benefits, of the Codified Ordinances of the City of Wooster, Ohio by clarifying certain holidays and creating a retirement incentive program was read by title, being on second reading. Mr. Breneman stated that this goes along with the last two pieces of legislation; one was adding Christmas Eve as a holiday for the management and supervisory staff. It was already a holiday for the union employees. The other changes dealt with the PERS pick-up and a retirement type of pick-up where \$6,000 would be paid to the employee made just prior to retirement in order to boost their final average salary for purposes of computing pensions. This was a benefit available to all three bargaining units and all the unions currently have this. A short discussion followed.

Ordinance No. 2005-47 authorizing the City of Wooster to pick up a portion of the statutorily required contribution to the police and firemen's disability and pension fund for management and supervisors, confidential and administrative support employees of the city pursuant to I.R.C. Section 414(H)(2), and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that this would remain on second reading; it was again the same type of pick-up with the police and fire disability and pension fund for the management and supervisory positions.

Resolution No. 2005-98 authorizing the Director of Administration to enter into a contract with Fallin Timbers Tree Service of Wooster, Ohio for reconstruction and reforestation services in Christmas Run Park, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that from speaking with Mr. Sigg, we have already appropriated the money for this and had just passed that legislation although we didn't give them the authority to spend the funds. She generally liked to have the amount appropriated listed in the resolution but since she knew what this amount was for this particular contract, she was comfortable with it as presented. Mr. Silvestri stated that he would like to see the amount listed in the legislation so that there was no question as to what's budgeted; he would be in favor of amending it to include the amount. Ms. Cavin moved, seconded by Mr. Silvestri, to table the resolution temporarily. Upon roll call, motion carried unanimously.

Resolution No. 2005-99 accepting the recommendations of the Wayne County Tax Incentive Review Council with respect to existing Enterprise Zone Agreements, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was something we have to do to be able to keep our enterprise zones in place. Mr. Breneman explained what this entailed and the companies involved in the agreements. 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 carried unanimously.

Ms. Cavin moved, seconded by Mr. Griffin, to remove Resolution No. 2005-98 from the table. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Silvestri, to amend the resolution in Section 2 to read – "The cost of such contract will not exceed \$80,000, the amount

budgeted for this project in the capital improvements fund.” Upon roll call, motion to amend carried unanimously. 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. Silvestri, to adopt the resolution as amended. Upon roll call, motion carried unanimously.

Resolution No. 2005-100 authorizing the Director of Administration to enter into a contract with the ME Companies, Inc. of Westerville, Ohio for right-of-way acquisition services related to the Beall Avenue Streetscape Project, and declaring an emergency was read by title, being on first reading. Mr. Ulbright stated that the total estimated cost was \$187,000 and was a budgeted item. This particular streetscape project, unlike the previous two, we did not have federal funds attached to the construction and because there is \$1.5 million dollars of federal funds attached to this project administered by ODOT, they have some requirements that we need to follow. This was really something out of our control because of the federal funds and ODOT requirements. Mr. Breneman stated that he had dealt with this company on occasion and they were professional in their work and he had no trouble with them. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2005-101 amending Resolution No. 2005-8 by increasing the amount of the contract, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this was the same project Mr. Ulbright just spoke about; it was the same federal dollars involved and the added cost here of \$153,850 were on top of the monies budgeted originally. This was for a signal warrant analysis, wall justification study and right-of-way plan all required by ODOT who is the gatekeeper of these federal funds. A short discussion followed. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-102 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 was read by title, being on first reading. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Mr. Breneman stated that this was another case where we really don't have a lot of decision making to do if we wish to continue receiving CDBG monies. This was an agreement with the Ohio Department of Development and was for the administering of the revolving loan fund which was an economic development tool available within our city. We passed the same legislation in 2003 and our agreement with ODOD runs for three years so the term of this agreement would be 1/1/06 – 12-31/08. We are agreeing to keep the CDBG revolving loan fund separate from all our other funds and to use the RLF in accordance with the Office of Housing and Community Partnerships Revolving Loan Fund policies and procedures manual. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

Ms. Cavin wished to state publicly that she really appreciated the gift of land from Mr. Pallotta; it will benefit several groups in Wooster. Ms. Cavin stated that in reference to Ord. 2005-44 with the PERS pick-up, Mr. Silvestri and she had commented on private sector wages and she felt that what we do with the economic climate today does make a difference. She wished to point out that the last two times we've had the discussion about the comparable benefits and salaries in other cities

our size, Mr. Sigg answered her question that we are at or a little better than most cities our size with regard to salary and benefits. With reference to the gas aggregation, it was her understanding that to opt out, it has to go on the general ballot and council would have to put it there. A short discussion regarding this subject followed.

Mr. Topovski wished the administration and council colleagues a happy holiday season and Merry Christmas to everybody. He'd also like to say that it's been a pleasure working with Mr. Buytendyk this past year and he wished him the best.

Mr. Griffin thanked Mr. Buytendyk for his time and he felt he was a better councilperson for the time he spent with Mr. Buytendyk and thanked him for the frank feedback he had been given along the way.

Mr. Silvestri stated that he wished everyone safe travels during this holiday season and Merry Christmas, Happy Hanukkah and Happy Holidays to all others. He did wish to say to Mr. Buytendyk that he was definitely, at most council meetings, the best dressed council member. In addition, he holds a high standard in the great verbiage he uses to accurately describe his bills and he has been the voice of reason on many things making his point to let us know when we do propose something utterly preposterous. He did appreciate that and happy holidays.

Mr. Ulbright stated that it was always a pleasure to see a former student come forth and serve the public and he was very pleased to see Mike take another one of his former students' place (John Robinson) whom he hated to lose but was glad to see Mike step forward to serve the community. Although we've opposed each other on a few issues, the sun comes up tomorrow and we all move on. Certainly, he has been proud of Mike and he hoped that he might consider serving the community in other ways or that he might come back to us in a different position and we'd certainly encourage him to do that. Mike, the best luck and I'm sure your law firm will keep you very busy in the future; it's been nice having you serve with us and please give us your advice after December 31 as well.

Mr. Breneman once more thanked everyone for their endurance during the budget talks; he appreciated everyone's input. With reference to the two or three things we have on second reading; by passing the wage guidelines given to us by Gortz, that moves us into a better position with how we deal with our managers and it does take a lot of pressure off in his mind with these other issues. Also, Mike, ditto to what everyone else said that it's sure been nice having you here.

President Mitten stated that we all obviously thank you, Mr. Buytendyk, very much for sharing Monday nights with us and for your guidance and leadership and we look forward to seeing you return some time. Mr. Buytendyk thanked Ms. Mitten and everyone for their kind sentiments; he left knowing that the great legacy of the City of Wooster will remain in tact with the fine group of council people that were here and my successor Mr. Ansel. I don't know if it's politically correct or not, but God Bless this grand city and God Bless its citizens. Thank you very much.

Mr. Buytendyk moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:55 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council