

CITY COUNCIL MINUTES
December 2, 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, Jeff Steiner, and Jon Ulbright.

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

Mr. Buytendyk noted that the agenda has been revised to include an executive session to follow the business portion of the meeting.

II. APPROVAL OF MINUTES

Mr. Silvestri moved, seconded by Mr. Steiner, to approve the November 18, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mr. Breneman wished to thank Mr. Dordea, the Finance Department and Mr. Montgomery, and everyone else who made a contribution to work on the 2014 city budget document. Mr. Breneman announced that the Wooster Community Hospital was chosen as "one of the best hospitals for patient experience in emergency care." Mr. Breneman also wished to thank the Wooster Fire Department for helping the Hilton Garden Inn when the hotel had a water line break last week. The department was able to divert the flow of water to prevent damage to any of the rooms and contained the water to the ends of the hallways.

Mr. Montgomery wished to let council know that the city had received some insurance money as a result of a house demolition, and that money should almost cover the cost of another demolition. There are two houses that are burned out, one on Lucca Street and one on Vine Street, that should be demolished by the end of the year. Mr. Montgomery also stated that council members should have received a memo from Mr. Monea and Mr. Dutton regarding property maintenance discussions. The city has hired a Property Maintenance Inspector and the city will continue to work with the Wayne County Prosecutor's office to pursue action against property owners who violate city ordinances regarding property maintenance. Mr. Montgomery also wanted to praise the Public Property Maintenance division for their recent snow and ice removal work. The crews had to quickly switch over some of the trucks currently in use for leaf pick up, get them ready for snow and ice removal for a recent spell of winter weather, and then switch back to leaf pick up. After that interruption, the crews are currently only one day behind in the leaf pick up schedule as a result of their hard work.

City administration requested that City Council approve by motion the donation of fire department 1998 Hurst rescue tools to the Wayne County Fire and Rescue Training Center. Mr. Steiner moved, seconded by Ms. Knapic, to approve of the donation. Upon voice vote, the motion carried unanimously.

City administration requested that City Council approve by motion the sale of a K9 bite suit to the Ashland Police Department. Mr. Steiner moved, seconded by Mr. Ansel, to approve of the donation. Upon voice vote, the motion carried unanimously.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Notice was received from the Ohio Department of Liquor Control of a requested transfer of a C1 and C2 permit from Tulsi LLC, dba Convenient Food Mart to JJMAC LLC, dba Convenient Food at 337 W Liberty Street. Mr. Silvestri moved, seconded by Mr. Steiner, not to request a hearing. Motion carried unanimously.

The following members of the audience spoke: Jay Henthorne, 1727 Burbank Rd. (2013-36); Addison Goodell, 100 Salter Rd. (2013-36).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel reported on the Finance committee meeting that was held earlier in the evening. Mr. Ansel stated that the committee reviewed the 2014 budget. He also announced that the next committee meeting will be held at 6:00p.m. in council chambers on Monday, December 16, 2013 to discuss the general fund portion of the 2014 budget. Mr. Ansel stated that the business/enterprise funds were the subject of discussion during the committee meeting held earlier. The CFO from Wooster Community Hospital presented the hospital budget to the committee. Mr. Ansel noted that a water tower in the north high zone of the city water system is a significant item in the budget for 2014. Mr. Ansel also informed the audience that the budget document is available and public if they would like to have a copy of it to study before the committee meeting.

Mr. Ulbright asked if Mr. Ansel would provide an explanation of the difference between the general fund and the enterprise funds. Mr. Ansel responded by stating that the enterprise funds are self-sustaining in that the water and sewer processing generates an income receipt to offset operating expenditures. Mr. Ansel emphasized that no general fund (income tax) dollars go to the operations of the city's enterprise funding. Mr. Ansel also added that more than half of the enterprise fund capital projects are supplemented by grants from various state agencies.

Ms. Knapic conducted a public hearing for the proposed amendments to City of Wooster's Zoning Code Chapter 1103, Definitions, Chapter 1115 (Subdivision Requirements), Chapter 1125 (General Use Regulations), Chapter 1129 (Agricultural District), Chapter 1131 (Community Facilities District), Chapter 1133 (Single-Family Residential Districts), Chapter 1134 (Cluster Residential Development Regulations), Chapter 1135 (Multi-Family Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (CPRO District), Chapter 1143 (Manufacturing District Regulations), Chapter 1145 (PDOD District), Chapter 1165 (Landscaping and Land Use Buffers), and Chapter 1171 (Sign Regulations) on the condition that the following remain part of the Planning & Zoning Code (Zoning Code Section 1125.09(c)): *"Recreational vehicles may be parked on the premises for less than seventy-two hours for accommodation of guests provided that the vehicle is not parked on the public street or alley right-of-way"*.

The public hearing also included proposed amendments to the Wooster Planning and Zoning Code Chapter 1141 (Commercial District Regulations), Chapter 1142 (CPRO District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1165 (Landscaping and Land Use Buffers) and Chapter 1169 (Off-Street Parking and Loading Regulations).

Ms. Knapic thanked the audience for attending the meeting and for their interest. Ms. Knapic stated that she and Mr. Andrew Dutton, the city planner, would be available to answer questions. Ms. Knapic asked Mr. Dutton for an explanation as to how and when the need for these changes became evident. Mr. Dutton replied that in late spring or early summer of this year is when these changes were compiled. There was also a work session with the Planning Commission to go over possible changes and to discuss what adjustments were needed.

Ms. Knapic stated that she would like to move on to the changes in the parking and usage of recreation vehicles and motor vehicles. She asked Mr. Dutton for an explanation of the changes that were made to that section and why. Mr. Dutton explained that the changes to this section are an attempt to mirror the council ordinance and it also differentiates motor vehicles from recreational vehicles. Ms. Knapic stated that a municipal judge suggested that the city would be better suited if the language were tightened up.

Discussion ensued with questions posed by the following members of the audience: Linda Houston, 1823 Burbank Rd.; Barb Norris, Addison Goodell, 100 Salter Rd.; Damon Frantz, 3317 Friendsville Rd.; Pam Goodell, 100 Salter Rd.; Jimmy Pooler, 1814 Burbank Rd.; Joyce Burdno, 1913 Blair Blvd.; and Dennis Vitaro, 2846 Woodside Dr.

Ms. Knapic concluded the public hearing.

VI. OLD BUSINESS

1. Second 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 stated that he would hold the second meeting of the capital appropriations budget review on Monday, December 16 at 6:00 p.m. in council chambers. Members will review general fund appropriations. Mr. Ansel thanked those that attended the first meeting and stated the next meeting should be very insightful.

2. Second 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 since council members would like further opportunity to review, that she would like to keep the legislation on second reading. Mr. Buytendyk suggested that maybe council should table it, have a committee meeting to review it further, and get further answers from administration. Ms. Knapic agreed that she would like to look at the options and perhaps hold additional public hearings. Mr. Ulbright asked if Mr. Dutton could start with 1125.08 and tell council what passages contain significant changes. Mr. Dutton responded that 1125.08(a)(1) was revised to close a loophole that related to corner lots and parking in the side yard. In section 1125.08(a)(3), Mr. Dutton said that it relates to recreational vehicles in commercial districts. Mr. Dutton said that in section 1125.08(b) addresses motor vehicles in a commercial district. Mr. Ulbright asked about the tables and if there was any significance to the letters being changed, specifically as it relates to Table 1131.02. Mr. Dutton replied that public safety, health or utility facility and government offices were missing from the table and they most closely related to a community facility. The rest of the table, Mr. Dutton said, had to be re-formatted due to incorrect formatting. Mr. Ulbright asked about Table 1133.03 in which there were added some new percentages. Mr. Dutton responded that after the 2007 review and code changes, a distinction was drawn between lot coverage by structures and lot coverage by pavements, sidewalks, driveways, etc. Using these percentages prevents a lot of properties from becoming non-conforming. Mr. Ulbright asked about the drawings that were crossed out in 1133.04. Mr. Dutton stated that those drawings were no longer needed because it referenced a section regarding setback requirements for corner lots that was crossed out.

Mr. Ulbright moved to table the ordinance in order to have a committee meeting to work out the details and explanations. Mr. Benson informed council that there is an ordinance that requires council to take action within 120 days. Ms. Knapic asked Mr. Benson when the 120 days would elapse. Mr. Benson replied that it appears that December 26th is the 120th day since the Planning Commission recommended the changes to council for approval. Ms. Knapic asked for input on meeting dates. After receiving input, Ms. Knapic suggested that the Laws and Ordinances Committee take up the matter at 6:30 p.m. on Tuesday, December 10th.

Mr. Buytendyk asked if Mr. Ulbright would like to withdraw his motion to table the issue. Mr. Ulbright withdrew his motion.

3. Second 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 stated that this is the second reading of a resolution from the administration to designate Wooster YMCA to operate the city swimming pools for the 2014 season. According to the request, there would be financial savings to the city. Mr. Cavin said that he would like to hear more and would like to request a presentation from the YMCA to get a more in-depth discussion going. Mr. Cavin announced that he would like to schedule a Public Health and

Leisure committee and would it be possible to meet on Monday, December 9th at 6:00 p.m. Mr. Montgomery asked if Mr. Cavin could tell administration and the YMCA staff what he would like to see presented. Mr. Cavin said that he would like to see the contract itself, which Mr. Montgomery said he would be happy to provide. Mr. Cavin said he would forward a list of questions to city administration by Thursday. Mr. Ansel stated that part of the meeting will be to understand the proposed relationship. Mr. Ansel said that he supported Mr. Cavin's suggestion of a committee meeting for further discussion.

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2013-45 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated that this ordinance comes before council on an annual basis and it is a statement of appropriations and expenditures. It is prepared to remain compliant with the Ohio Revised Code Section 5705.40 and best management practices to help management and legislators to control spending. Mr. Ansel noted there are nine items on the attachment that are either higher or lower than the original request. This is the amendment to document those appropriation revisions. Mr. Ansel stated that items one, three, six, seven, and eight are due to the Akron Road Phase 2 project that will begin in 2014 instead of 2013. Mr. Ansel said he would like to move this legislation to third and final reading as it is a reconciliation item and has no impact on 2013 or 2014.

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

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

2. First 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)

Mr. Steiner stated that this legislation is a culmination of negotiations with the police union. Mr. Steiner said that for the past three years, the contract had been negotiated with no wage increases. Mr. Steiner explained that all parts of the contract will remain the same. There will be no wage increase. Instead, there would be a \$2,000.00 stipend, which will not go into the base wages. Mr. Steiner stated that this agreement will be in effect for one year and, after some discussion, agreed to leave the legislation on first reading.

3. First Reading – RESOLUTION NO. 2013-93 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH THE CENTRAL FIRE DISTRICT TRUSTEES FOR THE FURNISHING OF EMERGENCY AMBULANCE SERVICES TO A PORTION OF WAYNE TOWNSHIP, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated that this is a reciprocal agreement, which the city has had in effect for quite awhile. It allows the Central Fire District to cover an area north of Milltown Road, west of the commercial area and up to Riffel Road. The city of Wooster then covers the Flickinger Hill area and to the south in Wayne Township. Chief Eyler said the agreement has been in existence for several years.

Mr. Steiner moved, seconded by Mr. Ansel, 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; Steiner-yes and Ulbright-yes).

Mr. Steiner 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; Steiner-yes and Ulbright-yes).

4. First Reading – RESOLUTION NO. 2013-94 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE CATHERINE STREET SANITARY SEWER LINE (Sanders)

Mr. Sanders stated that this request involves replacing an old 6” clay tile sanitary sewer line with a history of complications with a new 8” PVC line. The new line will eliminate a shared lateral and include new manholes and 6” laterals. The \$80,000 cost of the project will come out of the sanitary sewer funds.

Mr. Sanders 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; Steiner-yes and Ulbright-yes).

5. First Reading – RESOLUTION NO. 2013-95 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE BUREAU OF WORKERS COMPENSATION SAFETY INTERVENTION GRANT PROGRAM, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright explained that the maintenance department of the city of Wooster made application to the Bureau of Workers’ Compensation (BWC) Safety Intervention Grants Program. They were successful in getting a 25% match grant to purchase two pieces of equipment: a truck attenuator and a scissor lift. The equipment total cost is \$47,065.00 of which the BWC will pay \$35,298.75 and the city will pay the remaining \$11,762.25. The equipment is on hold and the city has 90 days to use the grant money. Mr. Ulbright said that Mr. Daryl Decker is available to answer any questions about the equipment. Mr. Sanders asked if the scissors lift was new, and Mr. Decker replied that it is a used piece of equipment and because it is made to handle rough terrain and has a diesel engine, the workers can take it out in the field and it will be more reliable than the electric. Ms. Knapic wished to compliment Mr. Decker on pursuing the grant because there is lots of money to be had from the state agencies.

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; Steiner-yes and Ulbright-yes).

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

VIII. EXECUTIVE SESSION

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

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

IX. MISCELLANEOUS

Mr. Ansel asked council members to review the Joint Application for bed tax monies prior to the next council meeting so that members would be prepared to vote on the measure at that meeting.

Mr. Cavin asked if fellow members would be agreeable to holding the Public Health and Leisure Committee meeting at the former Layton School building on Monday, December 9, 2013 at 6:00 p.m. Members agreed.

Ms. Knapic also asked if members would be agreeable to holding the Laws and Ordinances Committee meeting at the former Layton School on Tuesday, December 10, 2013 starting at 6:30 p.m.

Mr. Buytendyk noted that this would be Mr. Steiner's last city council meeting and expressed his appreciation for Mr. Steiner's dedication and contributions during his time as a member of city council.

Mr. Benson announced that the swearing-in ceremony for council members entering a new term will take place on Monday, January 6, 2014 at 7:00p.m. in council chambers. Members have the option of requesting a local judge to administer their oath or would they prefer to have Mr. Buytendyk, who is also authorized to give oaths of office, perform the ceremony.

X. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 10:47 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council