

CITY COUNCIL MINUTES
December 4, 2006

President Judi Mitten called the regular meeting of 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 November 6, 2006 meeting as received. Motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Breneman, to approve the minutes of the November 20, 2006 meeting as received. Motion carried unanimously.

The following people spoke to city council during public input regarding the gift of land from the Noble Foundation to the City: Thomas Hilt, 1063 Greensview; David Noble, 2159 Larch Drive; Robert Gorman, 1474 Wildwood Drive.

President Mitten read portions of a letter from the Ohio Department of Commerce, Division of Liquor Control notifying the City of Wooster that all permits to sell alcoholic beverages in our political subdivision will expire on February 1, 2007 and to register a valid objection and obtain a hearing, the legislative authority must have a resolution which specifies the reason for objecting. Ms. Mitten stated that she annually asks the police chief to present council with an analysis of all the establishments who have liquor licenses and we will ask him to do that once again and if we see any major violations, we can determine whether we wish to object to any renewals. The second piece of correspondence was also from the Division of Liquor Control for new D-3 permit (spirituous liquor only for on-premises consumption until 1 a.m.) for Hawkins Cafeteria, 2053 Portage Road and we have until December 26 to respond. Mr. Ulbright moved, seconded by Mr. Ansel, that we do not request a hearing. Motion carried.

Mr. Breneman stated that he had the first of three finance committee meetings prior to tonight's council meeting; it was a good meeting and he appreciated all those who were able to attend. We concentrated on the business-type funds or enterprise funds. Our next meeting will focus on the General Fund budget which was the primary budget for the city and the third meeting will concentrate on the hospital budget.

Ms. Cavin stated that the public health and leisure committee met on November 27 and in attendance were Councilman Ulbright, Councilman Topovski, herself, Mike Sigg and Pat Neyhart from the Humane Society. They discussed where the Humane Society was headed and the differences between last year and this year and Mr. Neyhart committed to getting us some numbers. They have a database and were tracking where cats (and dogs) are coming from in the county so that we have a better idea of how many were actually coming from the City of Wooster versus Rittman or Orrville. They are also sending letters to other cities in the county asking for their assistance and support as well. Mr. Neyhart indicated they were working on education in the schools on spaying and neutering pets. Ms. Cavin thanked Mr. Neyhart for an excellent job in getting us some vital information and supporting our attempt to help. The

service they provide for us is to house and feed the cats and sometimes euthanizing them if they are not adopted. They do not go out and pick up or trap cats running loose.

Resolution No. 2006-77 authorizing the Director of Administration to enter into an agreement with the Wayne County Humane Society for cat control services within the City of Wooster, and declaring an emergency was read by title, being on third reading. Mr. Topovski stated that this would be included in fiscal year 2007 budget and we have requested from Mr. Neyhart to bring us figures from the Humane Society as they have done in the past as to revenues and expenses. To that extent if council wasn't satisfied with their expenses, they have the right to change the budgeted amount allocated to them before passing the final budget. Mr. Topovski moved, seconded by Mr. Griffin, to adopt the resolution. After some discussion, Mr. Breneman stated that rather than approving this tonight before having the figures from Mr. Neyhart and then maybe changing the amount allocated, he felt we should table it until the budget passed. Mr. Breneman moved, seconded by Mr. Silvestri, to table the legislation until the December 18 meeting. Upon roll call, motion failed by a 4-3 vote as follows: Topovski-no; Ulbright-no; Ansel-no; Griffin-no; Silvestri-yes; Breneman-yes; Cavin-yes. Motion to adopt the legislation passed by a 6-1 vote; Mr. Silvestri casting the negative vote.

Resolution No. 2006-82 authorizing agreements with various applicants for the use of Economic Development monies was read by title, being on third reading. Mr. Ulbright recused himself from the discussion. Mr. Breneman stated that these are monies generated by people staying in our hotels within the City and 48% of that money comes to the city's General Fund with 4% going to the administration of this fund and the remaining gets divided amongst applicants for economic development purposes for our city. This year we had one applicant for that fund as we've had in previous years and that application was made up of three entities – Main Street, Wooster; the Wayne County Convention and Visitor's Bureau and the Wooster Area Chamber of Commerce. Their application consists of a synopsis of what the funds were used for in the past year and what they anticipate in utilizing the funds for next year. The finance committee recommends approval of this application and distribution of these funds. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt the resolution. Upon roll call, motion carried unanimously.

Ordinance No. 2006-55 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, 2007, and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that a finance committee meeting was held earlier tonight and this would remain on second reading with final reading at our last regularly scheduled meeting of the year. Mr. Breneman stated that at the committee meeting they had discussed the enterprise funds or funds that were performed in a business-type activity and those include our water fund, our water pollution control fund, our storm drainage fund, economic development loan fund, and the refuse collection fund. Mr. Breneman reviewed each fund as discussed at the committee meeting.

Ordinance No. 2006-56 revising the authorized range of pay scales and benefits for hourly related and salaried employees at Wooster Community Hospital, and repealing former ordinances, and declaring an emergency was read by title, being on first reading. Mr. Silvestri recused himself from discussion on this legislation. Mr. Breneman stated that this would remain

on first reading and would travel in tandem along with our city budget and we plan to pass this at our next meeting when all budgetary items will culminate together. The Board of Governors at their November 22 meeting recommended the adoption of the new maximum pay scale and benefits as presented to council members in the blue folder. These pay scales will allow us to remain competitive within the industry and community for our employees at the hospital. The charter and ordinances of the City of Wooster provide that the Board of Governors shall fix compensation for hospital personnel subject to the approval of city council.

Ordinance No. 2006-57 authorizing the Mayor to enter into an agreement with 544, LLC for Community Reinvestment Area tax incentives, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that he was pleased once again to be able to bring this forward; it was another application for community reinvestment area funds to improve our downtown. All you have to do is drive through the downtown to see the improvements being made on a daily basis. Mike Rose, who has done many great things for our city, wants to renovate the old Ned Adams car dealership location. This would be a capital investment of \$1.19 million dollars into a 13,000 sq. ft. multi-tenant commercial facility. Both the school board and Wooster Growth have approved and recommended this proposal. A short discussion followed. Mr. Breneman moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-58 authorizing the City of Wooster to accept a gift of land from the Donald E. and Alice M. Noble Foundation was read by title, being on first reading. Mr. Ulbright stated that it was his honor to be able to introduce this tonight; it's a fantastic idea that has now come forth to a reality if we in fact, accept this gift. Mr. Ulbright stated that the land in question was shown on the large drawing that Mr. Malta was pointing out to council. The property was west of Oak Hill and east of Mechanicsburg Road and consisted of 100 acres, although there was an area directly south of the Church of the Nazarene consisting of 20 acres that when Mr. Noble gave or sold the land to the church, he also gave them an option on this 20 acres and that option runs out in June of 2008. The value of that land was approximately \$13,000 an acre or \$270,000 and of course, we'd like to have it as part of the park. And when it comes to developing the remaining 80 acres, that \$270,000 might be handy. We will however, retain a 60 ft. right-of-way for access to the 80 acres. This would be a wonderful opportunity for the city to maintain some green space with walking and biking trails throughout in an area that is rapidly becoming developed as residential. A very lengthy discussion followed with this legislation remaining on first reading.

Ordinance No. 2006-59 amending Chapter 945, Collection and Disposal of Waste Material and Recyclables, of the Codified Ordinances of the City of Wooster, Ohio, to prohibit the placement of solid waste by non-residents was read by title, being on first reading. Mr. Ansel stated that this was a very straight-forward revision. It's been brought to the attention of city officials that occasionally situations arise where non-residents were coming into the city and placing their trash on people's tree lawns for pick-up. This is has been discussed over the years and it was a nuisance issue; we currently do not have restrictions preventing that other than the littering restrictions which were difficult to enforce. That being said, we've amended and added "No person shall place solid waste for collection that was not actually generated at that service address at that location." Mr. Silvestri commended those who had brought this forwarded; he

didn't feel it was ethical for people to utilize the services of the City of Wooster and not to do their part in paying their fair share. However, as far as the language, he felt it was rather severe in the sense in the way we are wording it; he would be more comfortable with it reading something along the lines of “. . .nothing brought from outside the limits of the city of Wooster.” He felt it was too severe for those who may have rental properties or a landlord who resides in the city and wishes to place trash at any of his properties. He felt that transferring trash from one location to another within the city felt should be permissible. This was discussed at great length and when Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading, the motion failed by a 5-2 vote; Mr. Topovski and Mr. Silvestri casting the negative votes. The ordinance remains on first reading.

Ordinance No. 2006-60 amending the Annual Appropriation Ordinance was read by title, being on first reading. Mr. Breneman stated that there were monies left in the Bevington Fund which the hospital would like to appropriate. Mr. Dordea we budgeted \$3500 but at the end of the year, it was short by the amount in the ordinance so we need to move some funds around. Mr. Benson stated that this charitable fund had to do with the pediatric ward. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-84 authorizing the Director of Finance to purchase items of specialized technology, to wit: utility billing software for the finance department, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that you all should remember our utility billing getting backed up this past spring because of a problem with the software technology and we finally got that straightened out and caught up on the billing. Mr. Dordea has recommended that we purchase some new utility billing software for the finance department which will replace that which failed last year and would improve the efficiency of record-keeping pertaining to the city utility accounts. It's included in the capital plan for 2006 and was a budgeted item and would be purchased from Harris Computer Systems of Vancouver, British Columbia. Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

John Geib, 223 Eastern Avenue, stated that about a month ago, a garbage truck broke down in front of his house and Mr. Geib asked him why aren't they giving you guys some new and trucks and he was told that in the near future, you will see the big cans so we will just come along and pick it up over the side of the truck and dump it.

Mr. Ulbright commented on the separation of the sign code from the zoning code; he felt that it would be great for council members to have a more realistic view of which signs currently under the new proposed sign legislation would be conforming. Would it be too much of a burden to ask the planning department to put together a report that could be duplicated with a route we could drive ourselves that lists the signs that would need to be replaced and those that conform. All of us need to have a specific picture of what signs under the proposed restrictions would

conform and which wouldn't. That would be very helpful and the planning department will have to, sooner or later, make some kind of inventory of signs. Mr. Sigg stated that they have already started working on that and have pictures of many of the signs within the city.

Mr. Breneman scheduled two finance committee meetings; one for December 12 at 5:00 (which was later changed to December 7 at 1:00 p.m.) to discuss the General Fund and the last meeting scheduled for December 18 at 5:30 p.m. (prior to regular council meeting) to discuss the hospital budget.

Mr. Ansel stated that in reference to the proposed amendments to the Zoning Code, on behalf of the laws and ordinances committee, he met with city administration last week to chart our course based on the public feedback received at the most recent public forum meeting regarding this issue. We have a general agreement that we will pull the noise and signage provisions out of the codified ordinances and address those separately. The architectural design standards we have agreement that we feel we can gain a consensus on that important provision of the zoning and planning ordinance. During the month of January, we will have some special work sessions that the Chamber will be involved with to define the open issues of concern specifically and we've requested from participants at that meeting the alleged list of items that were not responded to and Val Jesionek's office has agreed to provide detailed commentary and summaries as to what action was taken on that list of architectural design and building concerns generated at the Luk meeting last summer. We'll get those questions defined, we'll respond and then have a work session with the area builders and landlords, design personnel, take their feedback and our committee will come to council with the planning and zoning ordinances and hope to have a decision sometime around February 2007 of acceptance of the new Zoning Code.

Ms. Mitten stated that she had spoken this morning with Dave Wheeler, District Manager of AEP, and there was a power outage in Wooster on December 3 from 9:43 to 10:55 and that was planned so many people were notified in a reverse calling system software. However, a squirrel got into the booster station at Highland and it put the Meadows and Miller Lakes and a lot of north end businesses out of power which was pretty upsetting to them because of the Christmas shoppers.

Mr. Silvestri moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 9:30 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council