

CITY COUNCIL MINUTES  
December 5, 2005

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

Mr. Buytendyk moved, seconded by Mr. Griffin, to approve the minutes of the November 21, 2005 meeting as received. Motion carried.

Mayor Howey stated that he would be requesting an executive session at some point in the meeting to discuss the purchase of real estate.

The following people spoke to city council during the public input portion of the meeting re: the bed tax and economic development: Sandra Hull, Main Street Wooster, Inc. director; Ed Schrader; Jack Runion, Roomscapes; Tom Linebaugh.

President Mitten brought to council's attention a letter received from the Ohio Department of Commerce, Division of Liquor Control, advising that all permits selling alcoholic beverages are up for renewal and we'd ask the Clerk to send a note to Chief Thornton asking him to respond at our first meeting in January as to whether there have been any problems within the city.

Mr. Breneman stated that earlier tonight, there was the first of many finance committee work sessions to discuss the 2006 budget. Mr. Breneman stated that they had discussed the hospital's 2006 budget which we had all received in the mail as well as their wage and compensation plan received in our packets. Mr. Breneman reviewed the budget issues discussed.

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 second reading. Mr. Breneman stated that everyone should have received a new print out this evening from Mr. Dordea. Mr. Dordea reviewed pertinent information from the spreadsheet prepared by the finance department and a short discussion followed.

Ordinance No. 2005-35 amending various sections of Part Thirteen, Building Code, of the Codified Ordinances of the City of Wooster, Ohio, to update the Building Code was read by title, being on third reading. Mr. Buytendyk stated that this was mostly to bring our ordinances in line with the Ohio Administrative Code and we need to mirror the changes made in that code. Mr. Buytendyk moved, seconded by Mr. Griffin, to adopt. Mr. Topovski stated that he had a long talk with Mr. Monea a few weeks ago and he was comfortable with passing this; although he felt we should incorporate a registration fee for those licensed to do work here in Wooster. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-37 amending Part 15, Fire Prevention Code, of the Codified Ordinances of the City of Wooster, Ohio was read by title, being on third reading. Mr. Buytendyk stated that

Asst. Fire Chief brought the administration's attention that there had been changes in the state fire code and this ordinance would allow our codified ordinances to comply with the existing state fire code. Mr. Buytendyk moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2005-88 authorizing the Director of Administration to purchase items of specialized technology was read by title, being on third reading. Mr. Buytendyk moved, seconded by Ms. Cavin, to table this resolution indefinitely. Upon roll call, motion carried by a 6-1 vote; Mr. Ulbright casting the negative vote.

Resolution No. 2005-91 authorizing agreements with various applicants for the use of Economic Development monies was read by title, being on third reading. Mr. Breneman stated that this was an annual process and the rules were set and clear. The invitation to apply had been advertised twice in the newspaper; it's been discussed at council meetings and this was started back around September 15. We have one applicant this year, made up of three entities and it's the same three that's been involved in this since the bed tax was initiated and they are all good corporate citizens of Wooster and they've provided strong economic development support. President Mitten stated that the record should reflect that Mr. Ulbright had recused himself from discussion and voting on this issue. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Mr. Topovski moved, seconded by Ms. Cavin, to amend the resolution as follows: Subsection (a), under Section 1 is amended to say ". . . of the first \$30,000.00." Subsection (b), under Section 1 is amended to say "All funds over \$30,000.00 will remain in the Special Revenue Fund, Fund 108, which was set up to receive Economic Development Funds and then used to help fund a City of Wooster Economic Development Service office." Mr. Topovski explained the reason for the amendment and a short discussion followed. Upon roll call, the amendment failed by a 4-2 vote as follows: Cavin-yes; Griffin - no; Silvestri-no; Topovski-yes; Breneman-no; Buytendyk-no. Upon roll call, motion to adopt the resolution passed by a 5-1 vote; Ms. Cavin casting the negative vote.

President Mitten stated that she had sent a memo to council members on November 30 after Murr's Printing came to the City with a proposal to put city council meetings on Clear Picture and provide a record of the meeting for the clerk of council as well as the public library for \$200.00 per meeting. This could all start the first meeting in January. The proposal was very simple; Mr. Ulbright had a year to get something together and he brought one proposal forward. Ms. Mitten felt that we needed to move forward, get this started on Clear Picture and then she would appoint a committee to study what we might wish to do in 2007. We've had a lot of input from citizens who wish our meetings to be on television and without any additional appropriations; we have money in the current year budget to pay this fee of \$200.00 per meeting. Ms. Mitten moved, seconded by Mr. Griffin, that city council sign a contract with Murr's to tape our meetings and see that they are televised on Clear Picture cable.

Mr. Ulbright stated that he was offended not because the proposal that was tabled was his personal effort because it wasn't; it was a group effort spread over many months and was brought to council over three readings with great detail and great thought and cooperation from a lot of people. To be confronted with this last ditch effort to put council meetings on the air was a slap in the face to everybody who had anything to do with the previous proposal. There was a

right way and a wrong way to go about putting our council meetings on the air and it doesn't mean the right way is the Ulbright way. What it means is if you take as much time as myself and others that worked on our proposal did and you come up with an alternative and you ask yourself what kind of program do we really want? What kind of quality do we really want and what kind of other services could be provided with that equipment and our committee did all of that; I thought we did an excellent job and it passed council. The only reason it was vetoed was because it was not a budgeted item. If we're going to have conflicting proposals, then we should have apples compared to apples, not apples to oranges. What do we want? Do we want to get by with the bargain basement approach; do we want something a little better than that or do we want to go with a program that the citizenry deserves?

Ms. Cavin stated that she did take the opportunity to stop by to watch the demo cd that Murr's had recorded of our last meeting and she did appreciate Mr. Murr's efforts but the quality of that DVD was no better than what Dr. Ross was putting on Clear Picture and we were getting that for free. Ms. Cavin felt we should open it up to anybody else in the community who would like to give us their version of what they can do. We were getting this service for free but no one tired to work out a compromise in that situation nor was an attempt to work out a compromise with Mr. Ulbright's proposal and she didn't think it was right to pass this with this kind of sound quality and pay for it when we were getting that for free. She was not in favor of this and regardless of whose plan was passed and how we get it on television, she felt it was an insult to the people of Wooster also to expect them to pay for something they could get for free and not go back to Mr. Ross or Murr's and see if they could improve the sound quality. She was told when council chambers were renovated that we did wire it for this type of service, so we've already paid for the wiring. She was not in favor of a voice vote nor voting on something like this before the public has an opportunity to give their input.

Mr. Silvestri stated that this was a volatile issue and he did appreciate the input and diligence we've given it. He thanked Ms. Mitten for making this a public issue and keeping it public because as he understood it, because of the amount involved in the proposal, it wasn't necessary legally to bring this before city council for a vote. Mr. Benson stated that traditionally the budget of city council has been under the management and supervision and control of the president of council. Ms. Mitten expressed a desire to bring this to city council rather than simply to make that call as she felt it was an issue that deserved vote of council. Mr. Silvestri said we all agree on the fact that it should be televised and available for those people who cannot get out.

Mr. Ulbright commented that he had asked Mr. Sigg about three weeks ago after a finance committee meeting whether the new budget had any allowance for a \$55,000 expense and his answer was it was in the budget for 2006.

Mr. Mitten stated that this was a proposal that was brought by a downtown businessman who had put the historical society on Clear Picture and he would like to put city council on Clear Picture; the meetings could be televised beginning the first week in January. She planned to appoint a committee to come up with some kind of proposal for 2007. The IT department needed to be involved from the get-go and they were neglected the first time around so there's a lot of

different divisions that need to pull in on a big proposal. Upon roll call, the motion to accept the plan passed by a 4-3 vote.

NOTE TO COUNCIL: As the Clerk was proofing and making necessary corrections to the minutes prior to sending them out, Windows crashed and the remainder of the minutes after this point was lost. With little time to reconstruct them, they will be highly abbreviated.

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 first reading. Mr. Breneman stated that this would remain on first reading with plans to move it forward at the next meeting. Mr. Boyes and Mr. Hostetler from the hospital administration were present to answer any questions. This had also been discussed earlier at the finance committee work session. In essence they are requesting a 3% wage increase. A short discussion followed.

Ordinance No. 2005-43 authorizing the Mayor to execute easement agreements with the State of Ohio for the renewal of existing water and sanitary sewer line easements serving the campuses of the OARDC and ATI, and declaring an emergency was read by title, being on first reading. Mr. Griffin explained that these were easements that had been on the books since 1976 and were already overdue for renewal. The State of Ohio will not allow a permanent easement for more than a 25-year period, so we need to get this done so that the annexation can proceed. Mr. Griffin moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion failed by a 5-2 vote; Mr. Topovski and Mr. Ulbright casting the negative vote. After a short discussion, Mr. Ulbright said he would rescind his negative vote on suspension of the rules. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Topovski, to adopt. A short discussion followed and upon roll call, motion to adopt carried unanimously.

Mr. Breneman moved, seconded by Mr. Silvestri, to adjourn to executive session (8:50 p.m.). Upon roll call, motion carried by a 6-1 vote; Ms. Cavin casting the negative vote. Mr. Silvestri moved, seconded by Mr. Breneman, to reconvene the regular session of council (9:05 p.m.). Motion carried.

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 first reading. Mr. Breneman stated that this would remain on first reading this evening as it did come into play with all the budget items we are discussing. This concerns a PERS pick-up which presently was 2% for this group of employees and this would increase that to a 4% pick up which was virtually a raise of 2%. It was a way to compensate our management employees and everyone should have received a memo from Mike Sigg explaining this. The last time the administrative wage schedules were last adjusted was in the 2002 budget year whereas, union wages have risen by as much as 12.5% while management schedules have remained unchanged since that time. This

will be further discussed at next week's finance committee work session and the Gortz people will be present to talk about the management pay scales compared to other regions and cities.

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 first reading. Mr. Breneman stated that again we will leave this on first reading and it will be addressed at our finance committee meeting utilizing the Gortz agency to help us in comparison of our management positions versus what else is out there on the market.

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 first reading. Mr. Breneman stated that again looking at our management benefits compared to the wage packet in general; this will be discussed in much further detail next Tuesday.

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 first reading. Mr. Breneman stated that this, too, would be dealt with next Tuesday.

Resolution No. 2005-96 authorizing the Director of Administration to enter into a contract with The Webb Atlas Company of Wooster, Ohio for replacing the furnaces at both fire stations, and declaring an emergency was read by title, being on first reading. Mr. Silvestri explained that the furnace at Station #1 was the original furnace installed when the building was built in 1963 and was a forced air furnace and would be replaced with a radiant heat furnace. The furnace at Station #2 would receive the same kind of furnace. The funds were available in this year's budget. Mr. Silvestri moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-97 approving the Wayne County 9-1-1 amended final plan was read by title, being on first reading. Mr. Silvestri moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Griffin, to adopt. Mr. Silvestri stated that what we have before us is a resolution to update the original plan from 1998 for our 9-1-1 system. With the increase in the number of people who carry cell phones, which was more than 1 in 2 people up from 1 in 10 in 1998. In a densely populated area, the amount of calls that come in on cell phones from an accident or other emergency situation can be as many as 100 calls. Mr. Silvestri explained the new amended plan and how the funds from this would be utilized. Upon roll call, motion to adopt carried unanimously.

### Miscellaneous

Mr. Topovski stated that being the least senior member present, he has learned something from every council meeting and he was very disturbed tonight that his colleagues felt he was being

less than above board about an amendment he made tonight. This was a long time in coming through three readings and a committee meeting he had attended and had asked pertinent questions regarding the entries that wanted the bed tax monies. He took the time to have all the applications copied and had spent the last four weeks reviewing them in depth and knew there were areas that if they didn't have the funding they were requesting that there were items in their budget they could have cut. The budget information they submitted showed that their proposals would be in excess of their expenses on their revenues this year so they weren't going to go into deficits. He did vote for the legislation to show he was in support of all three of these very fine organizations. We're also challenged to find money for our own economic development policies and he felt bad that his colleagues chastised him for doing this at a late date but he had done his homework these past four weeks with all the data in front of him and he would still stand on the amendment which he felt was a good one.

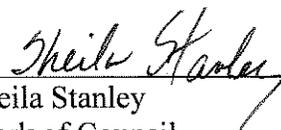
Mr. Silvestri stated that he was disappointed that the first proposal for televising city council meetings was not accepted although he did respect the Mayor's judgment that it was an unbudgeted item and he would say it was a significant amount of money to spend at this point in time. He did, however, feel that the citizens of Wooster deserved a quality product and there's room for improvement but he was happy that the goal was being accomplished. This was a pilot study; we aren't committing ourselves and we can revisit it in a year.

Mr. Breneman stated that next Tuesday was very important; if you can attend, please do, as it will probably be our biggest venture into our finances facing us for 2006. It was his intent to take all the legislation that was on first tonight and move it to third and final at the next meeting.

President Mitten stated that council had received a memo from Justin Starlin stating that two members of council needed to be appointed to the City of Wooster's housing council and Ms. Cavin and Mr. Breneman have agreed to serve in that capacity. Mr. Griffin moved, seconded by Mr. Buytendyk, to approve the appointment of Ms. Cavin and Mr. Breneman to this housing council. Motion carried.

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

  
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Judith Mitten  
President of Council

  
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Sheila Stanley  
Clerk of Council