

CITY COUNCIL MINUTES
June 21, 2010

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Buytendyk, to approve minutes of the June 7, 2010 meeting with one correction noted in Section 1, Downtown Beautification project received \$4,100 not \$41,000. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) the mayor represented Wooster Community Hospital in California at the award ceremony for being named one of the nation's Top 100 Hospitals by Thomson Healthcare; 2) Gov. Strickland was in Wooster on 6/21/10 to tour ABS Materials Inc., 770 Spruce Street; 3) Mosquito spraying began on 6/15/10; and 4) reviewed two important pieces of legislation on the agenda, Charter Review Commission recommendations and Voluntary Separation Plan.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Following members of the audience spoke: Gordon Shull, 824 Northwestern (Voluntary Separation Plan/increasing income taxes); Milton Block, 128 S. Market (Charter Review)

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A public hearing was held on the proposed 2011 tax budget of the City of Wooster, Ohio for the year ending December 31, 2011. Mr. Ansel opened the public meeting to discuss Resolution No. 2010-50, the City of Wooster's annual tax budget, which must be submitted no later than July 20, 2010 to the Wayne County Budget Commission. He stated the income tax level will remain at 1% for fiscal year 2011, which will generate about a \$2 million deficit spending plan for the year. Mr. Ansel pointed out these are conservative estimates and the city is not in desperation mode yet with rainy day funds still available and tax reserves in excess of \$4 million. The city is in the process of reviewing cuts and taking initiatives to reduce operating costs, while city council will continue to review the city's financial performance on a bi-monthly basis. Mr. Ansel opened the floor for public comment and there was none. He then opened the floor to council and at Mr. Ulbright's request, Mr. Ansel reviewed some of the initiatives council might be considering over the next year. Mr. Ulbright voiced that two additional options the city could look at are city income tax increase and rescinding the city's tax credit. Mr. Ansel stated those decisions will have to be made in the future if things do not change. There were no additional questions or input and Mr. Ansel closed the public hearing.

VI. OLD BUSINESS

1. Second Reading - RESOLUTION NO. 2010-50 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2011 (Ansel)

The resolution was discussed at the public hearing and due to the July 20th deadline, Mr. Ansel stated he would like to move the legislation forward.

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

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

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2010-16 SUBMITTING TO THE ELECTORS OF THE CITY OF WOOSTER, OHIO, AMENDMENTS TO THE CHARTER OF THE CITY OF WOOSTER AS PROVIDED IN SECTION 8.03 "CHARTER REVIEW", AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk commended the Charter Review Commission for their time and work in conducting a thorough review of the charter and thanked them for presenting a quality product. He explained that if the charter commission's recommendations are approved by council, they would be put on the ballot to be approved by the voters this Fall and he also noted that council cannot change anything that has been submitted by the commission. He expressed that this is the citizens portion of how the city operates, its citizens who put it together and it will be citizens who vote on it. Being that said, Mr. Buytendyk stated he would leave the ordinance on first reading, but fully intends to move it to final reading at the next meeting because of the deadline to be placed on the November ballot. Milton Bloch, Chairman of the Charter Review Commission, spoke on the commission's behalf and discussed their decision to separate the proposed changes into five categories to be voted on separately by the public rather than bundling them all together into one issue. Mr. Ulbright commented that he would like to see local media outlets present the charter recommendations to the public in plenty of time so they will fully understand what they are voting on. Elaine Peterson, member of the Charter Review Commission, dovetailed that saying the committee asked the city put the proposed charter changes on the city's website so the public can refer to it there also. Mr. Bloch thanked the commission members for their attendance at the meetings and their cooperation. The ordinance remained on first reading.

2. First Reading - ORDINANCE NO. 2010-17 AUTHORIZING AND ESTABLISHING THE CITY OF WOOSTER VOLUNTARY SEPARATION PLAN TO BE MADE AVAILABLE TO ALL ELIGIBLE FULL-TIME CITY EMPLOYEES AS OF JULY 1, 2010, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel asked that with council's consideration he would like to move the ordinance to third and final reading because of the timeline associated with reviewing this plan with eligible employees. The summary, as explained by Mr. Ansel, is the reduction of the city's operating expenses due to the tuff economic times. The single largest expense to the city is the cost of its personnel, which represents in excess of 70% of its overall costs. In the interest of permanently reducing personnel costs without having an unnecessarily negative impact upon current employees, city administration has proposed that full-time employees of the city who are currently eligible to retire be offered the option of voluntarily separating from employment with the city and receiving an economic incentive to do so. Mr. Ansel indicated this is never easy, but he feels city administration should be commended for being proactive in creating a win-win-win situation. Senior employees are being offered an incentive to retire which is in addition to their full retirement benefits through OPERS. If all 16 employees take advantage of the program, the city could see cost reductions savings estimated at \$500,000 in 2010 and \$1.3 million in 2011. The third benefit is to the tax payers of the city because more is being done with less. Mr. Ansel stated in the public opinion and awareness category, it is paramount that the citizens recognize the city is aggressively managing and making tuff decisions to allow Wooster to remain a minority in terms of being the lowest tax payers within the state. Mr. Ansel outlined the City of Wooster Voluntary Separation Plan which includes a lump sum of \$15,000 and a payment in lieu of unemployment benefits. The employees will also receive payment for accrued sick and vacation leave, which funds are encumbered and included in the budget. The plan will be made available to all eligible full-time city employees as of July 1, 2010. Mr. Ulbright and Mr. Cavin both suggested keeping the ordinance on first reading, but after much discussion, they felt their concerns were answered. Other council members indicated they would not be opposed to proceeding. Also discussed was retire-rehire and Mr. Ansel indicated it would not be an option offered. Mayor Breneman said the plan is to reduce payroll, not to replace staff, but spread the load among other employees. Mr. Sigg explained the incentive funds will come out of the operating budget where money was budgeted to pay for these employees' salaries through the end of the year and those funds will now be available to pay the incentive.

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

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

3. First Reading - RESOLUTION NO. 2010-52 AUTHORIZING THE MAYOR TO SUBMIT APPLICATIONS TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, AND FOR A NEIGHBORHOOD REVITALIZATION GRANT; TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated these grants are for the beautification and improvement of the city of Wooster through state funds that are available through both the Community Development Block Grant Fund and the Neighborhood Revitalization Grant Fund. There are two sections of this proposed resolution. The first is for a 100% funded Small Cities Community Development Block Grant in the amount of \$111,000.00, for a program of activities consisting of: 1) Merchants Block Public Facilities; 2) Regional Dispatch Feasibility Study; 3) Assistance to the Viola Startzman Free Clinic; and 4) OHCP Fair Housing Program (federal requirement). The second section is for a 50% funded Neighborhood Revitalization Community Development Block Grant in the amount of \$300,000.00. It is more of a competitive review process and requires a dollar per dollar match by the city. This money is to be used in the downtown area, in the older sections of the Wooster and the program activities consist of: 1) Decorative street lights; 2) Clearance and disposition of condemned properties; 3) Curb cuts compliant with the Americans with Disabilities Act; and 4) Sidewalk repairs. Justin Starlin and Mike Sigg answered several of council's questions and explained details of the funding and project guidelines.

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

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

4. First Reading - RESOLUTION NO. 2010-53 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SR 585 IMPROVEMENT PROJECT, PHASE 1 (WAY-SR 0585-01.54: PID 79432) AND PHASE 2 (WAY-SR 0585-00.57: PID 86127) (Ulbright)

Mr. Ulbright explained this authorization is for both phases of the SR 585 improvement project. Phase 1 is from the north corporation limit to Gateway Drive and Phase 2 is from Gateway Drive to Long Road. This agreement with ODOT is required before the project can move any further. ODOT is funding 80% of the construction costs. The total cost of the project is \$4,669,000 of which the state's share is \$3,734,900. The state will also reimburse the city for 80% of in-house engineering costs. This project will widen the road and add a center turn lane. Also, curbs and gutters, sidewalks and a bike path will be constructed, as well as intersection improvements at Back Orrville and Long Road. Council already authorized the engineering design costs for both phases, and right of way acquisition services for Phase 1. This is a fully budgeted item. Mr. Ansel noted that the city's 20% portion is from the Capital Improvements Fund and the Water and Sewer Fund, with no General Fund impact.

Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

5. First Reading - RESOLUTION NO. 2010-54 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH O.R. COLAN ASSOCIATES OF FAIRVIEW PARK, OHIO FOR RIGHT OF WAY ACQUISITION SERVICES RELATED TO THE AKRON ROAD IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this request is to enter into an agreement with O.R. Colan Associates of Fairview Park, Ohio for right-of-way acquisition services related to Phase 2 of the Akron Road Improvement Project. Phase 2 improves Akron Road between Gateway Drive and Long Road. The estimated total cost is \$163,525 with \$153,525 being authorized initially, with \$10,000 authorized only for additional services as needed as required by ODOT. This is a budgeted item and the firm of O. R. Colan is an ODOT approved agency. The contract is needed due to ODOT requirements necessary to obtain federal transportation funds. Mr. Ulbright noted that this will be a one time capital expense and will not affect operating costs. The total project cost estimate, for both phases, is \$2,816,875.

Mr. Ulbright moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

6. First Reading - RESOLUTION NO. 2010-55 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH BOGNER CONSTRUCTION COMPANY OF WOOSTER, OHIO FOR SEALING THE COMMON WALL ON THE AMSTER BUILDING (Ulbright)

Mr. Ulbright explained this is in concurrence with the Freedlander building demolition and is the last step in the project. The estimated cost of the project is \$19,850, which amount requires council approval and is a budgeted item. The additional work is required to water-proof and seal the common wall between the former Freedlander building and the Amster Building, which is an obligation of the shared wall agreement. This work is the final obligation in the shared wall agreement with the county. Resolution No. 2009-93 authorized Bogner Construction to complete the repairs and this remaining work could not be done until the final backfilling operations had been finished. Joel Montgomery confirmed that the county will reimburse the city for half the cost of the shared wall agreement and that the county will pay for the final repair work to the roof of the Amster Building. He answered other questions and reported that within a few weeks the barriers surrounding the Freedlander Building will be moved back, along with restoring parking on the west end.

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

7. First Reading - RESOLUTION NO. 2010-56 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH GGJ ENGINEERS OF EASTLAKE, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO IMPROVEMENTS TO THE ENTRANCES TO THE CITY OF WOOSTER FROM ROUTE 30, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this request is to enter into a contract with GGJ Engineers to provide engineering and landscape architecture services for master planning and development for community-wide gateway and corridor improvements for two entrances to the city from US Route 30. Resolution No. 2010-26 authorized GGJ to complete conceptual plans and provide application assistance for this program. The two intersections affected are Route 30 at Madison Avenue and Route 30 at Route 3. Total cost of the project is \$56,500 of which approximately \$10,000 to \$15,000 is currently committed from the OARDC and Chamber of Commerce and the remainder would need to be appropriated from the unencumbered balance of the State Highway Fund. Mr. Ulbright indicated there have been complaints from people who have a hard time finding the entrances to our downtown area and this contract would help improve that through the ODOT funding to which application has already been made. The master plan will not affect the city's operating costs. Although, if funded, the gateway improvements may increase the city's operating costs in order to maintain the new landscaping and signage that would be installed. If the city does nothing, the funds the state has made available would be forfeited. Mr. Ulbright added that Main Street Wooster is also a very important partner in this project.

Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-no; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

8. The Clerk of Council, Cheryl Collins, will not be able to attend the next regularly scheduled city council meeting. After consultation with the mayor, Mr. Silvestri said it was decided that since the law director's duties are split between representing city council and city administration, he could fulfill the clerk's duties. Mr. Silvestri moved, seconded by Ms. Knapic, that in the absence of the Clerk of Council, Richard Benson, Law Director, will sit in as Clerk of Council at the Tuesday, July 6, 2010 Wooster City Council meeting. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VIII. MISCELLANEOUS

Each council member thanked the Charter Review Commission Committee for their hard work and efforts. They also extended their congratulations to city employees Dan Yarnell and Bob Romig for graduating from the Tree Commission Academy.

Ms. Knapic recognized the accomplishments of Ned Lauver, Forensic Coach for Wooster High School's Speech and Debate Team, who also served on the Charter Commission Review Committee. Under his tutelage, Kellen Reusser placed 8th overall in the Humorous Interpretation category at the national tournament. Wooster High School received a school award for being the school with the most appearances at the national tournament of any school attending the national tournament in 2010 and they also currently lead all schools in the nation (public or private) with 60 total appearances at the national tournament.

Mr. Silvestri noted these are difficult times and council has difficult decisions to make. He commended the city administration for trying to figure out creative and the least painful ways to cut costs.

Mr. Ansel stated that he will not be able to attend the July 6, 2010 meeting as he will be out of the country on business.

Mr. Buytendyk modeled his newly purchased Christmas Run Pool t-shirt and encouraged others to purchase them as the money goes to support keeping Christmas Run pool open.

Mr. Ulbright thanked Mr. Shull for standing up and making his very interesting proposal to council. He agreed the city has tuff decisions to make and council will try to make them as fair as they can.

Mr. Cavin thanked Mr. Ansel for his eloquence in explaining the finer points of delicate matters.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 9:19 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council