

CITY COUNCIL MINUTES
November 15, 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

Ms. Knapic moved, seconded by Mr. Steiner, to approve minutes of the November 1, 2010 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) The proposed alley vacation, Ordinance No. 2010-36, for the Sprenger Nursing Home expansion. The city has been working with them for quite some time in order to make this work. The expansion would bring approximately 100 new jobs to the downtown, with the addition of an assisted living section to their facility. Residents who are capable will be able to do their shopping in downtown Wooster. The mayor encouraged council to consider the proposal as it has strong merit to help support the downtown. 2) Introduced Susan Kelley, new manager of the Community Services Division, which consists of the Recreation Department and Community Center. 3) Expressed sadness at the loss of Ralph Jones, founder of Wooster Glass, who was a great community patron and business leader. 4) A rough draft of the 2011 Budget was distributed to council. The mayor said it will take more shape by the next meeting. With all the changes to the organization, new managers are still in the process of putting together their budgets. He indicated 2011 is going to be a tough year although it does show some improvement in comparison to last year.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Notification was received from the Ohio Division of Liquor Control that all permits to sell alcoholic beverages in our political subdivision will expire on February 1, 2011. In order to maintain permit privileges, every permit holder must file a renewal application. Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. Police Chief Glick indicated there were no major issues or incidents in the last year at any of the establishments with liquor permits. There were six compliance violations but Chief Glick said they did not rise to the level of revoking a permit. Council had no objections to the renewals.

Sprenger Retirement Centers submitted a petition to vacate a 20' public alley running in an east/west direction from N. Market Street to a north/south directional alley between N. Walnut and N. Market Streets. The petitioner owns all the adjoining properties. There were no comments in respect to that.

The following member of the audience spoke: Ted Holvey, 2213 Eddy (wage freezes/increases for city employees; Voluntary Separation Plan incentives; use of State funding/grant monies). Council members and city administration addressed Mr. Holvey's questions regarding State funding and city budgeting.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The Laws and Ordinance Committee met at 7:00 p.m. in council chambers before the council meeting to discuss a proposal to adopt an ordinance permitting and regulating indoor firing ranges. Mr. Buytendyk said the indoor firing range ordinance would be on first reading.

As a matter of procedure, Mr. Silvestri clarified that the public notice and hearing was waived on Sprenger's Petition to Vacate a Public Alley as the petitioner owns all the abutting property to the alley.

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2010-32 AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk introduced the legislation which recommends certain changes to the Management Benefits ordinance as it pertains to vacation leave and the accrual. Upon separation from municipal service, employees are entitled to compensation for any unused vacation leave. The new language states the employees are entitled to compensation for any unused vacation leave to their credit upon the date of separation, but not in excess of the accrual from his/her last three years of employment preceding separation from employment.

Mr. Buytendyk moved, seconded by Mr. Silvestri, 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. Buytendyk 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).

2. First Reading - ORDINANCE NO. 2010-33 ADOPTING REGULATIONS FOR THE OPERATION OF INDOOR FIRING RANGES WITHIN THE CITY OF WOOSTER (Buytendyk)

Mr. Ulbright abstained from the discussion for personal reasons. Mr. Buytendyk stated he planned to leave the ordinance on first reading and move for final reading at the next meeting so everyone could have their questions answered, if they weren't already answered at the committee meeting. Mr. Buytendyk expressed his excitement for another business wanting to come into the City of Wooster, saying it will not only keep dollars from going outside the city for this type of activity, but it will also bring outside dollars into the city. Mr. Buytendyk said he spoke with Chief Glick who is receptive to this type of business and noted they are very safe with few incidents. Handguns can be a hot button item but these types of businesses are well run with safety being paramount. With the proposed business planning to locate in her ward, Ms. Knapic said she is happy to see interest in that area of town and thinks this business could do a lot to grow back that area commercially. Mr. Buytendyk noted a correction in the ordinance under Section 723.07(b) "office of the City Manager" should read "office of the Director of Administration". He asked the wording be changed and council could hear the ordinance as amended at the next meeting. The ordinance remained on first reading.

3. First Reading - ORDINANCE NO. 2010-34 AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright explained that most of the twelve recommendations from the Traffic Commission have been implemented and he opened up discussion for questions to city administration. Mr. Cavin questioned the reasoning behind #7, to *Change the "Stop" sign on Industrial Blvd. at N. Bauer Road to a "Yield" sign*, as it runs directly into Old Lincolnway. Chief Glick explained Industrial Blvd. and Bauer Rd. both dead end at a "y" intersection. Traffic is extremely light there other than trucks coming from Industrial Blvd. Mr. Cavin realized the location was further south than he thought. He also questioned #10, to *Erect "No Parking from 8am to 5pm" signs in the 100 block of W. Larwill Street 78 feet east of the alley*. This is directly in front of the old library and Mr. Montgomery indicated the library's Bookmobile is garaged there and when backing it out, parked cars on Larwill St. create a line of sight problem. He also noted there is sufficient off street parking for those who normally park on W. Larwill during the specified hours. With regard to item #8, to *Allow the placement of lighted Crosswalk signs on E. Bowman Street in front of Gertenslager's at the company's expense*, Ms. Knapic thanked Gerstenslagers and said she is glad to see this as there is a safety issue there. Concerning #5, to *Vacate the alley in the SE Quadrant of Public Square*, Mr. Silvestri questioned the exact location and Mr. Sigg explained saying the alley is being closed to thru traffic but there will still be a walkway for pedestrians. Mr. Buytendyk made a motion to amend the wording under #1 to say "No engine brake" and eliminate "No Jake Brake" as Jake Brake is a trademark name. Mr. Montgomery suggested also amending the wording in #5 from "Vacate" to "Close". After discussion, Mr. Ulbright felt it would be wise to leave the ordinance on first reading and have the law director amend the wording in #1 and #5. Mr. Buytendyk withdrew his earlier motion. The ordinance remained on first reading.

4. First Reading - ORDINANCE NO. 2010-35 AMENDING THE ANNUAL APPROPRIATION
ORDINANCE (Steiner)

Mr. Steiner said the purpose of this ordinance is to purchase \$65,000 of software and specific equipment from EmergiTech which will allow the police officers to write reports in their cruisers and submit them directly to the Records Management System. This software will also give officers complete access to the RMS database from their cruisers. Mr. Steiner stated the city has applied for grant money to help defray some of the cost but the grant won't be awarded and processed until next year. If the grant money is not received the project will still be completed, the cost of which is budgeted for this year, but it is necessary to transfer the funds for the purchase to the Capital Improvements Fund from the General Fund (Police Division operating cost center). If the money is not used, it will go back into the General Fund. Mr. Steiner said the police division is down one clerical position due to the VSP and with this software and equipment that staffing position will not need to be refilled.

Mr. Steiner moved, seconded by Mr. Cavin, 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. Steiner moved, seconded by Ms. Knapic, 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 - ORDINANCE NO. 2010-36 VACATING AN ALLEY IN THE CITY OF WOOSTER
(VICINITY OF N. MARKET/W. NORTH STREETS) (Ulbright)

Mr. Ulbright explained that a public hearing was not held on the alley vacation as the petitioner, Sprenger Wayne Limited Company, owns both lots (7458 and 102) abutting the alley. As a note of clarification, Mr. Ulbright explained Lot 102 was formerly a parking lot owned by PNC Bank. As mentioned by the Mayor earlier in the meeting, Mr. Ulbright said this project has been an ongoing discussion for almost a year on behalf of the city with Sprenger and other entities, including PNC Bank, in order for Sprenger to acquire this former parking lot for their expansion. Mr. Ulbright said Justin Starlin addressed the concern about lost parking spaces in the newspaper, saying PNC employees will not lose parking spaces but will instead lease spaces from Wooster Growth. The spaces will be at a newly acquired parking lot on S. Market Street, which the community improvement corporation will redevelop. Mr. Ulbright said Sprenger Retirement Center wants to expand their business offering assisted living and those residents will have the opportunity to do their shopping in downtown Wooster. The city wants to retain businesses in downtown, particularly businesses that have a great service to the community. Mr. Ulbright said this was a way to do that, because without this opportunity for expansion, Sprenger would have to relocate in another part of the city or move outside the city. According to Mr. Starlin, an ALPA survey was done to see if there would be any adverse affect if the alley were to be vacated, in regard to utilities. He said there were no issues. Mr. Ulbright pointed out on the map that a north/south alley runs west of Lot 102 which will allow access to property owners to the west of Sprenger if the requested alley is vacated. Overall, Mr. Ulbright feels this is a golden opportunity for economic development in the downtown that will help Sprenger stay in our community and he wholeheartedly supports it.

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 - ORDINANCE NO. 2010-37 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, 2011, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated the ordinance would remain on first reading. Council received a preliminary 2011 Operating Budget and Mr. Ansel said there is a lot of work to do between now and year end when the budget is mandated to be approved. He asked council to analyze the information, recognizing that it is preliminary, and acknowledge the significant reorganization and staff realignment. There are new managers involved with the budget process and how the new structure is going to be accounted for is a monumental task. He said there is also additional impact on the

health care costs with lesser employees, requiring recalculations for the health and benefit packages for the city employees. A few meetings ago a debt refinancing was done to reduce the city's interest rate bond funding and that has to be recalculated and extended within the budget. He said he wanted to highlight all of this because it is very complex and with the significant amount of changes, both personnel and costs reductions, there is a lot of a analysis and revalidation of what the budget projections are going to be. Mr. Ansel set a Finance Committee meeting for Monday, December 6, 2010, at 6:00 p.m. in council chambers, to review the 2011 Appropriations Budget. Mr. Ansel said he sees a record low budget projection of operating expenditures for 2011 and commended the city administration for the conservative initial projections. The ordinance remained on first reading.

7. First Reading - RESOLUTION NO. 2010-82 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH ESRI, INC., OF GAHANNA, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE GIS (Ulbright)

Mr. Ulbright said this request is to update the city's GIS system and provide a platform for future interdepartmental and public GIS applications, as well as integration with the Wayne County GIS. This is a sole source contract with ESRI of Gahanna, Ohio who has set the industry standard for GIS software and development. The city's existing GIS has had incremental updates over the years as the software has changed, but the city engineer feels it is necessary to make a more substantial update to utilize industry standards software currently being used by Wayne County and other entities such as the US Census Bureau, USGS, FEMA, etc. This will provide for the export of data to the public GIS. This upgrade will also allow for smaller, in-house updates in the future, of items currently requiring out-sourcing. It will also provide for easier database management by city IT staff and seamless integration with the county GIS for parcels, surveys and address databases. Mr. Ulbright said city council has benefited from GIS maps and charts, not to mention the needs of city departments in regards to water lines and sewer lines, etc. Mr. Ulbright said the estimated cost of \$26,500 was budgeted and therefore should have no affect on the operating costs.

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).

8. First Reading - RESOLUTION NO. 2010-83 AUTHORIZING THE MAYOR TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE SAFE ROUTES TO SCHOOL PROGRAM; TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated a few meetings ago the city applied for grants under the State's Safe Routes to School Program which many communities across the state did also for infrastructure improvements, particularly sidewalks. However, the education part of the Safe Routes to School funds has not been as requested. Mr. Ulbright said this is a chance for Wooster to apply for grant monies for a bike safety program the city has normally funded. The Bike Rodeo would be coordinated by the Wooster Police Department to provide children with the necessary equipment and knowledge to ride a bicycle safely. If approved, the SRTS program would fund 100% of the costs with grant funds which are estimated at \$33,000. This project is a high priority, ongoing initiative, on the ODOT approved Wooster School Travel Plan. This plan and projects were selected based on student and parent surveys, and school officials and teacher input. This project will facilitate safe use of existing and proposed sidewalks installed with other SRTS funds. Mr. Ulbright said the city's budget is tight and to pay police officers additional time to conduct and supervise the Bike Rodeo would cost the city funds it just cannot spare at this time. So a portion of the \$33,000 would be spent to pay for the extra police time plus the equipment which is also part of the funding and would amount to helmets and other equipment used during the Bike Rodeo to stress bike safety. Mr. Ulbright said it was interesting read that the three biggest causes of car/bike crashes were riding out of a driveway without stopping, failing to stop for stop signs and suddenly swerving without looking back. Three members of the Wooster Police Department are members of the International Police Mountain Bike Association and are certified public safety cyclists. Mr. Ulbright said these available funds are something the City of Wooster can take advantage of that other communities do not see fit to apply for. He feels this is an excellent way to enhance the safety of our young people and encourage them to ride their bikes. The schools have increased the distance which bus service is provided, so

walking or riding a bike to school is a reality. Mr. Ulbright said this is a meaningful program that is 100% funded with tax dollars being returned to Wooster. Mr. Montgomery said the police will develop the Bike Rodeo Program and will run it. Documenting what they do will not only pay for the Bike Rodeo, it will also count towards the city's point criteria the state uses to rate entities for receiving additional money for bigger projects. Mr. Ulbright said the state has various criteria and the more categories and more areas a community can score points the greater the chance to get a more enhanced funding. Mr. Ulbright said the Police Divisions' preliminary hard work will be well deserved and rewarded.

Mr. Ulbright moved, seconded by Mr. Cavin, 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 Ms. Knapic, 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).

VIII. MISCELLANEOUS

Mr. Ulbright said he will be scheduling a property maintenance presentation by Tim Monea and will announce the date at the next council meeting.

Mr. Buytendyk congratulated Susan Kelley on her promotion.

Mr. Ansel reminded everyone of the Finance Committee meeting on Monday, December 6, 2010 at 6:00 p.m. in council chambers.

Mayor Breneman pointed out this will be Mr. Sigg's last council meeting as he will be using vacation time through December 31, 2010.

Mr. Ulbright commended Mr. Sigg for his long service and said he respects Mr. Sigg's ability, intellect and the job he has done as Director of Administration.

Mr. Silvestri thanked Mr. Sigg for all the depth and knowledge he brought to the city. Mr. Silvestri also brought up a concern regarding leaf pickup on private streets. From his understanding, the city is not obligated to pick up leaves on the private streets but has done so in the past as a "freebie". In addition, funding received in previous years to cover a good portion of the leaf pick up costs has been drastically reduced to almost nothing. Mr. Silvestri said in an effort to pinch pennies, the city is only doing what it is obligated to do, which is pick up leaves on public streets and that is why the private streets have been left off this year. He has heard from residents on private streets who expressed it would have been beneficial for them to have received this notice sooner and Mr. Silvestri suggested next year maybe a notice could be put in the water bills in addition to a newspaper article. Mayor Breneman agreed the city should have done a better job of informing residents on private streets that their leaves would not be picked up this year. He said the \$80,000 reimbursement from the Solid Waste District is essentially gone. People choose to live on private streets and they are required to do their own snow plowing, make repairs and perform leaf pickup. Mayor Breneman said the city has reduced its staff by 15% and the city cannot continue doing the exact same things it has done in the past, so this is one area they believed could be cut back.

Mr. Steiner congratulated Susan Kelley on her assignment as manager and looks forward to working with her in the future.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 8:50 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council