

CITY COUNCIL MINUTES
October 15, 2012

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 by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright.

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

II. APPROVAL OF MINUTES

Ms. Knapic moved, seconded by Mr. Silvestri, to approve the October 1, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) The Ohio Chapter of Heritage Ohio, the overarching organization for Main Street associations in the United States, recently visited Wooster. Main Street Wooster and the downtown received very good comments. 2) The Second Baptist Church of Wooster celebrated their 120th anniversary on October 14, 2012. 3) The last two informational town meetings are scheduled for October 16th in Ward 3 at Edgewood Middle School cafeteria and October 23rd in Ward 4 at Parkview Elementary School cafeteria, from 7:00-8:30 p.m.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A notice was received from the Ohio Division of Liquor Control indicating Hartley Company, DBA The Hartley Company, 2958 Cleveland Road, applied for a new C2 liquor permit. The business seeking the permit is the BP gas station located at the corner of Winkler Dr. and Cleveland Rd. Ms. Knapic moved, seconded by Mr. Silvestri, not to request a hearing on the liquor permit. Motion carried unanimously.

The following member of the public spoke: Greg Gehris, 347 N. Grant (Ordinance No. 2012-26).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A Finance Committee meeting was held in council chambers at 6:30 p.m. prior to the council meeting. Mr. Ansel highlighted the two topics discussed. 1) The sole application for the Economic Development (Bed Tax) Funds was reviewed. Main Street Wooster, Wooster Area Chamber of Commerce and the Wayne County Convention & Visitor Bureau submitted a joint application detailing their plans for utilizing the funds to market the City of Wooster as a destination for visitors. The legislation approving the allocation of the Economic Development funds will be forthcoming. Council members requested the application be sent to them electronically for further review and suggested in the future that the application be posted on the city's website so other interested parties can see what the bed tax funding entails. 2) The Finance Department gave a thorough update of the financial status of the City of Wooster, with a five year comparative review. Mr. Ansel said the current financial status is better than anticipated due to increased employment and corporate income tax, in addition to the city's continued strict expense control. However, sufficient reserves are not being allocated for future capital expenses, which Mr. Ansel said can be done in the short term, but in the long term it can become much more of a challenge. Also, Mr. Ansel said the impending reduction in state funding for 2013 will drastically affect the city's budget, otherwise, Mr. Ansel said the tax income initiative may have been able to be pushed further into the future. Mr. Ansel thanked all those who helped with the presentation and said he looks forward to seeing the 4th quarter numbers.

VI. OLD BUSINESS (none)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-26 AUTHORIZING THE MAYOR TO ENTER INTO A PREANNEXATION AGREEMENT WITH CERTAIN PROPERTY OWNERS FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THOSE PROPERTIES, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this request is to extend city sewer services to the a property located on Melrose Drive, near Portage Road, which is contiguous to the City of Wooster corporation limits. In return for city utilities, the property owners, Bruce and Jodi Steiner, will file a petition for annexation of their property to the City of Wooster at the earliest possible time. Mr. Sanders said the assessments will cover the cost of providing the services. Mr. Montgomery noted this is one of the last properties in that particular island to be annexed. Mr. Ulbright pointed out this is not the first situation where the city has extended services before the property was annexed, and gave an example of the Hilton Garden Inn on SR250. Mr. Benson said to his understanding, the Steiners have already executed a petition for annexation and intend to file it very soon. Mr. Buytendyk questioned how they would be charged for services and Mr. Montgomery said they would have the option of installing a meter or be charged a flat monthly fee, similar to the Killbuck South utility billing system.

Mr. Sanders 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. 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. 2012-27 AMENDING CHAPTER 539, PARK REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO BRING CERTAIN PROVISIONS IN-LINE WITH RECENT OHIO SUPREME COURT CASE LAW, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic said it was recently brought to the city's attention that our current ordinance, Chapter 539, Park Regulations, Section 539.03, Firearms, Fireworks, Explosives, Bows and Arrows, is inconsistent with two recent Ohio Supreme Court cases, which declared that only the federal or state government have the authority to limit an individual's rights to bear arms. Ms. Knapic said this amendment will bring the city's ordinances into compliance with the Ohio Supreme Court. Mr. Ulbright expressed his extreme dissatisfaction at having to take this matter up and said in good conscience he could not support legislation that allows guns in a public park. He feels the State of Ohio legislators pass rules that undermine the authority of our home rule as a charter city and he can't imagine anyone, even gun enthusiasts, being in favor of allowing guns in a public park and for what purpose? Mr. Silvestri stated he didn't see it as adverse because the constitution guarantees citizens the right to keep and bear arms and he explained there may be a time when an individual is enjoying time in a public park when a situation may arise that they would want to be prepared for. Recently Mr. Silvestri read that almost every tragedy where a firearm was brought into a public place where firearms were prohibited, the innocent victims and bystanders were unarmed. Mr. Silvestri said unfortunately people who are going to break the law don't honor the request of a sticker or any other reminder not to bring a firearm into a public place. So he is excited that law abiding citizens who have conceal carry permits can carry a firearm into a park for their own protection. Mr. Buytendyk said he is disappointed the Supreme Court is eroding the ability of local communities to organize and legislate as they see fit. Ms. Knapic said because of the court cases, and federal and state law superseding our laws, the city is required to be in compliance. Therefore, Ordinance No. 2012-27 could be passed, but she requested it be kept on first reading as she felt people may want to comment or have questions regarding the issue. The ordinance remained on first reading.

3. First Reading - AMENDED RESOLUTION NO. 2012-94 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT(S) FOR SEASONAL TEMPORARY SERVICES (Ansel)

Mr. Ansel said at the last meeting council approved Resolution No. 2012-94, to contract seasonal temporary services for leaf collection, not to exceed the amount of \$25,000. However, Section 2 of the resolution referenced funds would be payable from the Public Properties Maintenance and Recreation/Community Center Divisions, which was incorrect as the Recreation/Community Center cost centers are not included in this budgetary item. The amended resolution shows funds payable only from the operating budget of the Public Properties Maintenance.

Mr. Ansel 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. 2012-96 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH REA & ASSOCIATES, INC. FOR AUDITING SERVICES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said the city is very fortunate that the Auditor of State has authorized a one year extension with REA & Associates to perform the City of Wooster's 2012 financial audit. Mr. Ansel said to have a third party financial audit done at the local level versus the state level speaks well of our financial performance and is also less costly than if the state were to provide this service. The total cost of the audit is \$83,475, the same price as last year, and the cost will be split between the city (\$47,746) and the hospital (\$36,729). Mr. Ansel said this will be REA & Associates tenth and final year to perform the city's audit. Mr. Buytendyk said Wooster is unique with a community hospital and there aren't too many CPA firms that are in a position to perform the hospital audit.

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. 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. MISCELLANEOUS

Mr. Sanders reminded council of the Public Utilities Commission meeting scheduled for Monday, November 5, 2012, at 6:00 p.m. in Council Chambers at City Hall.

Mr. Ulbright thanked Tim Monea, Building Division Manager, for providing council with a status update on the Moving Ohio Forward (MOF) program. Mr. Monea indicated at the next meeting he hoped to get funding approved for the demolition of eight nuisance and condemned properties, with the first demolition to take place in November.

Mr. Cavin said he is excited about the Moving Ohio Forward program and hopes it transpires as we'd like it to.

Mr. Silvestri mentioned the Ward 3 community meeting will be to be held in the cafeteria at Edgewood Middle School on October 16th at 7:00p.m.

Mr. Buytendyk reminded council members who signed up to take the Fire Ops 101 class that training is October 16th and 18th.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner to adjourn. Motion carried and meeting so adjourned at 8:20 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council