

**CITY COUNCIL MINUTES**  
**September 15, 2008**

**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, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright.

**II. APPROVAL OF MINUTES**

Mr. Silvestri moved, seconded by Mr. Ansel, to approve the minutes of the September 2, 2008 meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city: wind storm damage and scheduled debris pickup Thursday, 9/18/08; Brick Project completed with sales totaling over \$22,000. Mr. Dordea noted a memo from Mr. Sigg was passed out delineating the utility rates as of October 30, 2008.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The following member of the audience spoke: Jay Sevenstar, P.O. Box 1283, Wooster (electric alternative).

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2008-26 VACATING AN ALLEY IN THE CITY OF WOOSTER (VICINITY OF E. HENRY STREET) (Ulbright)

Mr. Ulbright stated McClintock Electric owns all of the property along the alley except for a small section on the corner which is owned by East Ohio Gas, who had not yet signed the alley vacation petition. Mr. Ulbright indicated he would table the ordinance until 100% of the property owners' signatures could be obtained. Joel Montgomery explained the lots along the alley.

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

2. First Reading - ORDINANCE NO. 2008-27 AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk explained this ordinance would adjust management benefits to mirror union benefits. Changes would include accrual of sick leave, workers comp injury leave, bringing the management pay scale in line with the non-management pay scale and separate management positions with a separate ordinance. Kathy Gallo answered various questions and explained this would allow the status quo to be maintained so the management pay ranges will increase at the same rate as the non-management pay ranges which should help alleviate the compression that exists. Mr. Buytendyk indicated he would leave this ordinance on first reading.

3. First Reading - ORDINANCE NO. 2008-28 IDENTIFYING AND AUTHORIZING MANAGEMENT POSITIONS (Buytendyk)

Mr. Buytendyk stated this ordinance was prefaced in the previous ordinance (#2008-27) which severs off the management positions and puts them into a separate ordinance dealing with positions only. If changes of adding or eliminating positions were to be made it would be cleaner and easier to do by separating the management positions into its own ordinance rather than amending the major management benefits ordinance. The ordinance was left on first reading.

4. First Reading - RESOLUTION NO. 2008-76 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this is an annual state mandated legislative review of all ongoing Community Reinvestment Area (CRA) and Enterprise Zone (EZ) agreements. A bipartisan Tax Incentive Review Committee (TIRC) was created to review these agreements and Mr. Ansel read their mission statement along with a summary highlighting the statistics on the investment activity of the agreements. The TIRC met on August 28, 2008 and unanimously recommended to council that all agreements continue in effect with the exception of Tekfor who voluntarily withdrew their EZ agreement. Mr. Ulbright questioned job creation requirements for Eldorado Stone and Compak, Inc. Mr. Dordea indicated the TIRC recognized this but noted both companies still have time remaining to meet their job requirement deadlines. Also of concern was The Coyote Group's investment deadline to which Mr. Dordea explained the abatement is only on reinvested dollars and if they do not reinvest within the contractual 12 year period, they gain nothing and city loses nothing. Mr. Silvestri, who serves on the TIRC, explain the review process and stated though there are concerns it is in the best interest of the city to give these companies as much time as possible and if they do not fulfill the obligations of the tax incentive agreement, the city can claw back all of the monies which were abated. Mayor Breneman noted the TIRC recommendations are for year ending 2007 and all agreements were in compliance through that period. The TIRC will be reviewing the year 2008 at a meeting in the first part of 2009. Mr. Topovski suggested reviewing TIRC's recommendations earlier in the year in case action is needed. Mr. Ansel indicated he would leave this ordinance on first reading to allow council to review the details.

5. First Reading - RESOLUTION NO. 2008-77 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR REPAIRING THE ROOF AT THE COMMUNITY CENTER, AND DECLARING AN EMERGENCY (Topovski)

Mr. Topovski stated a continual roof leak at the Community Center requires continual patching. The job was bid around September 2007 but since that time costs have increased and therefore the administration feels it more prudent to enter into one contract for two projects, one for the removal of the HVAC units from on top of the roof and one for the new roof. The HVAC units will not be replaced, only removed so the new roof can be installed and then set back on the roof. The amount will not exceed \$39,200 of which \$28,500 was originally budgeted.

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

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

6. First Reading - RESOLUTION NO. 2008-78 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2008, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated this is to replace a 1999 ambulance, which is requiring increased repair work, with a new 2009 model. Normally the ambulances are replaced every 7 years. This expense is part of the capital plan and is a budgeted item. Chief Eyler indicated the old unit will be sold.

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

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

7. First Reading - RESOLUTION NO. 2008-79 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Ansel)

Mr. Ansel stated this is an annual occurrence required by the Ohio Revised Code for City Council to accept the application for the 2009 property tax mileage rate by September 23, 2008. There is no increase in the mileage rate of 4.2 mills. This is a procedural matter that goes hand in hand with the 2009 tax budget projection which was adopted on June 16, 2008, Resolution #2008-56.

Mr. Ansel 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

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

8. First Reading - RESOLUTION NO. 2008-80 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH BOYLAN & CANNON ELECTRONICS, INC. OF AKRON, OHIO FOR IMPROVEMENTS TO THE FIRE DIVISION COMMUNICATIONS SYSTEM, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated the Fire Division is in the process of upgrading their communication system. This is the first phase of the upgrade and is included in the 2008 capital budget for \$20,000. The current system is antiquated and communications are not very clear. It is of critical importance for the fire division to have better communications.

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

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

9. First Reading - RESOLUTION NO. 2008-81 AUTHORIZING ROBERT F. BRENNEMAN TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTIVE CONTRACTS AS REQUIRED (Silvestri)

Mr. Silvestri stated this resolution is to authorize the mayor to submit an application to participate in the Ohio Public Works Commission Capital Improvement program for monies to be used in the waterline replacement project for the Skylark, Victoria, Impala and Imperial area. Old and undersized waterlines will be replaced and water quality and pressure will be improved. The total project cost is \$990,000 with \$346,500 being requested in funding (\$173,250 grant and \$173,250 loan).

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

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

10. First Reading - RESOLUTION NO. 2008-82 AUTHORIZING ROBERT F. BRENEMAN TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTIVE CONTRACTS AS REQUIRED (Silvestri)

Mr. Silvestri stated this is another resolution authorizing the mayor to submit an application to participate in the Ohio Public Works Commission Capital Improvement program for a waterline improvement project on Burbank Road. The proposed improvement will replace existing under-sized and corroded cast iron water mains, upgrade water services and install new fire hydrants. The total project cost is \$1,760,000, of which \$500,000 is being requested in grant money. The project would run from Highland Avenue to Oldman Road and according to Joel Montgomery the underground utilities are being upgraded with the anticipation of a possible road improvement project in the future.

Mr. Silvestri 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

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

11. First Reading - RESOLUTION NO. 2008-83 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE CITY COUNCIL BUDGET FOR THE PURCHASE OF DECORATIVE BRICKS FOR MEMBERS OF WOOSTER CITY COUNCIL IN CONJUNCTION WITH THE RENOVATION OF WOOSTER CITY HALL (Topovski)

Mr. Topovski stated he is very pleased with the ongoing renovations to the outside of City Hall being done in conjunction with the Bicentennial celebration. To show council's support and their efforts towards this project, Mr. Topovski proposed to use allocated council funds to purchase a 12x12 paving brick engraved 2008 City of Wooster Council and individual 4x8 bricks with each council member's name, to be used in the brick project in front of City Hall.

Mr. Topovski moved, seconded by Mr. Schuch, to suspend the rules and place on third and final reading. Upon roll call, motion carried 6-1 (Ansel-yes; Buytendyk-no; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

Although he appreciated the spirit in which this was being done, Mr. Buytendyk expressed his opposition as he did not feel taxpayer's money should be used for this purpose.

Mr. Topovski moved, seconded by Mr. Schuch, to adopt. Upon roll call, motion to adopt carried 5-2 (Ansel-yes; Buytendyk-no; Schuch-yes; Silvestri-yes; Steiner-no; Topovski-yes and Ulbright-yes).

### **VIII. MISCELLANEOUS**

Mr. Ulbright and Mr. Buytendyk spoke regarding the citywide damages due to the wind storm on Sunday, September 14<sup>th</sup> and commended the city crews on the cleanup process.

Mr. Ansel announced there will be a Finance Committee meeting on Tuesday, October 7, 2008 at 5:30 p.m. to review the Comprehensive Annual Financial Report (CAFR).

Mr. Schuch indicated he had received numerous calls from individuals in the Ward 1 regarding a very offensive odor being omitted from Environmental Tank Clean located on Bauer Rd. Approximately 4-5 years ago this same Council Minutes 091508

problem had occurred and upon notification the company corrected it. Mr. Schuch contacted the owner about the reoccurring problem who began immediate corrective action to solve the odor problem. City personnel will continue to monitor the situation.

Mayor Breneman thanked Mr. Schuch and the Building Standards Divisions for their quick work regarding the odor issue. He also thanked Jeff Steiner and Jean Baird for their successful efforts in the brick project at City Hall.

**IX. ADJOURNMENT**

Mr. Buytendyk moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 9:05 p.m.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council