



WOOSTER CITY COUNCIL MINUTES
September 2, 2014

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. The following members were present: Jon Ansel, Mark Cavin, Barbara Knopic, Scott Myers, Craig Sanders, David Silvestri and Jon Ulbright.

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

Mr. Buytendyk noted that the order of the agenda would change in that council would address Res. No. 2014-55 and Res. No. 2014-56 as items one and two, respectively, under New Business. He added that council would adjourn to executive session to discuss matters pertaining to employee contract negotiations and would consider Ord. No. 2014-22 and Ord. No. 2014-23 after it reconvenes.

II. APPROVAL OF MINUTES

Mr. Cavin moved, seconded by Mr. Sanders, to approve the August 18, 2014 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman stated he and council members had the opportunity to walk through Walton Woods earlier in the evening. Mr. Breneman stated there is a group interested in helping to fix it up a little bit, and perhaps the group would be willing to work in the same type of capacity as the Friends of Wooster Memorial Park.

Mr. Breneman also shared the city learned earlier in the day that the Comprehensive Annual Financial Report (CAFR) was approved by the state and is available for release. Mr. Breneman stated Mr. Dordea will have copies ready for council members before the end of the meeting.

Mr. Breneman also noted that the CHIP grant was awarded and it is important funding for the community because it helps people in housing repairs. He congratulated the group for its hard work and noted the cooperation between the county and the city.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following member of the audience spoke: Greg Gehris, 347 N. Grant St. (Res. No. 2014-53 and Res. No. 2014-54).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Myers stated there were a number of folks that visited Walton Woods Park earlier at the Public Health and Leisure Committee meeting. Mr. Myers said a group of volunteer citizens have asked permission to help out at the park without spending city funds or changing the natural wooded area that exists. Mr. Myers thanked those who attended and said he has information from the volunteer group to share with members.

VI. OLD BUSINESS

1. Second Reading – RESOLUTION NO. 2014-52 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY (Cavin)

Mr. Cavin stated this legislation would allow the city to accept \$190,620 from the Department of Homeland Security (DHS) to purchase 34 new self-contained breathing apparatus (SCBA) for the Fire Department. The grant from the DHS would account for 90% of the total cost and the city would cover the remaining \$21,180, or 10%, of the total cost. Mr. Cavin noted this equipment has a shelf life and the SCBAs currently in use are reaching the end of theirs. Ms. Knapic asked if the 34 units would be sufficient. Chief Roger Brenneman said the 34 units would replace everything they currently have in use with a couple units to spare in case any get damaged or broken.

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

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

2. Second Reading – RESOLUTION NO. 2014-53 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACTS WITH VARIOUS VENDORS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that Related Ventures, Inc. (RVI) provides annual maintenance to our aeration stripper towers in three locations in the city. This legislation is for authorization to issue payment to RVI for cleaning the towers and replacing the media.

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

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

3. Second Reading – RESOLUTION NO. 2014-54 A RESOLUTION 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 resolution to accept the rates and the amounts for the upcoming year. Mr. Ansel said it is based on property tax valuation and millage. He explained the county collects the revenues and reallocates it back to the cities, and those funds are incorporated into the annual budget. Mr. Ansel stated the projected total \$2,144,200, of which \$1,837,200 will go to the general fund; fire pension fund will receive \$153,500; and police pension fund will receive \$153,500.

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

Mr. Ansel moved, seconded by Mr. Ulbright, to adopt.

Mr. Ulbright stated the percentage of property taxes received by the city is a very small percentage of the total taxes collected. The largest recipient is the Wooster City School District. Mr. Ulbright said he would

like to see an explanation of what criteria are considered in pursuing delinquent taxes so council members and the public could better understand the process that is used, and would like to see if the auditor could provide that rationale. Mr. Buytendyk added that he knows of one property that has a bunch of trailers on it, and if that property is foreclosed then a lot of people would be dispossessed of their homes and perhaps that is a reason a foreclosure would be slow in coming. Ms. Knapic stated she had an opportunity to visit the property in question during a recent ride-along with a city police officer. She questioned why the health department has not been to that location as the conditions she saw were such that the residents would be better off if they were helped to find another place to live. Mr. Montgomery stated that he is aware the property is in foreclosure and the city is also aware of the housing issues at that property. Mr. Montgomery said the city has been working with local agencies and the residents to find solutions to the known problems.

Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2014-55 A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS FOR THE FIRE DIVISION (Cavin)

Mr. Cavin stated this legislation will allow the city to begin the bid process for the SCBAs for the Fire Department that were discussed earlier in Res. No. 2014-52.

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

2. First Reading – RESOLUTION NO. 2014-56 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR IMPROVEMENTS TO THE PARKING LOT AT THE KINNEY FIELDS SOCCER COMPLEX; TO ACCEPT SUCH A GRANT IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Myers)

Mr. Myers stated this legislation is for an application for a NatureWorks grant to do a chip and seal and striping of the parking lot at the soccer fields at the corner of Oldman and Burbank Roads. The total anticipated cost of the project is \$30,000 to be done in 2015. Mr. Myers added the Wooster Soccer Association would contribute 25% of the cost of the project. Mr. Myers asked if it was necessary to move the legislation to third and final reading. Mr. Jeff Battig, Recreation Manager, stated the legislation is necessary to accompany the grant application, which is due September 2, 2014.

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

Mr. Myers moved, seconded by Mr. Ulbright, to adopt.

Ms. Knapic noted the legislation states the city would be eligible for reimbursement up to 75%. She noted that means no guarantee of receiving the grant or of what percentage of funding the project might receive.

Mr. Battig stated there are no guarantees, though the last project funded through this grant was 10 years ago at Christmas Run Park and it received the full 75% funding. Mr. Cavin asked if this is a project that needs to be done now. Mr. Battig said that it is planned for 2015. The parking lot currently has a recycled asphalt base, which shifts as vehicles drive over it, potholes are created, and no lines can be painted to help organize the parking spaces. Mr. Buytendyk said to clarify that this is a two-part process. Council needs to approve submitting the application and later, if the grant is awarded, would approve the project to proceed. Mayor Breneman noted that the project, as stated in Section 2 of the legislation, would not proceed if grant funding is not available. Mr. Montgomery also added that if the city gets the full funding, then the city will not have any money in the project as the Wooster Soccer Association will cover the remaining 25%.

Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

VIII. EXECUTIVE SESSION TO REVIEW NEGOTIATIONS WITH PUBLIC EMPLOYEES

Mr. Ansel moved, seconded by Mr. Myers, to go into executive session to discuss pending litigation. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Sanders, to reconvene from executive session. Upon roll call, motion to adopt carried by a vote of six in favor and one opposed. (Ansel-yes; Cavin-yes; Knapic-yes; Myers-no; Sanders-yes; Silvestri-yes; and Ulbright-yes).

IX. NEW BUSINESS (Continued)

3. First Reading – ORDINANCE NO. 2014-22 AN ORDINANCE AUTHORIZING THE MAYOR TO IMPLEMENT THE CITY'S LAST, BEST AND FINAL OFFER FOR MEMBERS OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated contract negotiations with the Wooster Employees Association (WEA) representatives in October 2013 to negotiate the new collective bargaining agreement. Mr. Ansel said months of negotiations were ultimately unsuccessful in producing a mutually agreed upon negotiated settlement. The matter was referred to a statutory fact-finding process. The results of that fact-finding process were released on July 31, 2014, and council reviewed that recommendation within seven days of receipt on August 4, 2014. Mr. Ansel asked Mr. Benson to talk about the happenings since council rejected the fact-finder's report on August 4, 2014.

Mr. Benson stated the city contacted the WEA's attorney on August 6, 2014 to let them know the city was willing to go back to the table, tentatively agreed to provide a written proposal to go back to the table, and tentatively agreed to meet on August 13, 2014. Mr. Benson said the city tendered, by electronic means, a new proposal described as the last, best, and final offer on the morning of Monday, August 11, 2014. Mr. Benson said the only meaningful change to the proposal was the removal of a \$500 "signing bonus" that council had instructed the city to remove. Mr. Benson said the city met with the WEA on August 13, 2014. Mr. Benson said the result of the meeting was the WEA said they needed more time to study the proposal before they could respond. Mr. Benson said repeated requests to the WEA for a meeting went unanswered and no communication was received from the WEA. Mr. Benson stated, based on previous conversations with council and after researching past precedent, the city believed it was in the position to ask council for authority to implement the last, best, and final offer. Mr. Benson said he sent a courtesy email to the WEA's attorney and received a response within moments. Mr. Benson said the WEA attorney said there had been a misunderstanding, asked if council would forbear, if the city would go back to the bargaining table, and threatened if the city took action, then the WEA would do whatever was

necessary to protect its rights. Mr. Benson said the attorney had corresponded with Ms. Wagner, the Human Resources Manager, just the week before about an employee issue and never said a word about this contract or the city's proposal until after the attorney received the courtesy notice. Mr. Benson said he believes council members understand the core items at issue and the city's position has been generous particularly in comparison to other bargaining units within Wayne County.

Mr. Ansel stated negotiations are now at ultimate impasse since one party failed to acknowledge, reject, or affirm the last, best, and final offer. Mr. Ansel also said the members of the WEA have not been given the opportunity to approve or reject the last, best, and final offer. Mr. Ansel stated if council passes the legislation, then the WEA members would receive their retroactive pay increases and would allow them to have the pay increases for which they have been waiting. Mr. Ansel said if the process is delayed, then so are those increases. If council does not act tonight, and WEA membership does not approve or reject the last, best, and final offer by the time of the next council meeting, then council can unilaterally implement the proposed agreement and proceed accordingly. Mr. Ansel then said he would open the floor for comments. Mr. Silvestri rose to the point of order and asked the council president if a motion and a second would be required before discussion could take place. Mr. Buytendyk replied that everyone should have an opportunity to speak their mind before council decides how to proceed. Mr. Silvestri stated the Charter states council would proceed according to Robert's Rules of Order. Mr. Buytendyk responded that council is permitted to proceed along such rules that are adopted by council as it sees fit and if no discussion is wanted, then it can be considered to have had its first reading and no vote would take place. Mr. Ansel said he would leave the legislation on first reading and wait until the next council meeting to move it to third and final reading.

4. First Reading – ORDINANCE NO. 2014-23 AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER TO PICK UP A PORTION OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR ALL LABOR, TRADES, TECHNICAL, CLERICAL AND ADMINISTRATIVE EMPLOYEES OF THE CITY PURSUANT TO I.R.C. SECTION 414(H)(2), AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this legislation corresponds to the previous piece of legislation as it relates to asking OPERS to change the pickup percentage. Mr. Ansel noted the dates in the legislation will need to be amended since Ordinance No. 2014-22 will not be put to a vote until the next meeting of council, after the dates in the ordinance.

X. MISCELLANEOUS

None.

XI. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 9:16 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council