

CITY COUNCIL AGENDA

December 17, 2018

7:30p.m.

The meeting convenes at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Finance Committee 12-17-18

VI. UNFINISHED BUSINESS

1. Third Reading – ORDINANCE NO. 2018-023

AN ORDINANCE 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, 2019, AND DECLARING AN EMERGENCY (Ansel)

2. Third Reading – ORDINANCE NO. 2018-025

AN ORDINANCE AMENDING CHAPTER 521, HEALTH, SAFETY, AND SANITATION, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND DECLARING AN EMERGENCY (Sanders)

3. Second Reading - ORDINANCE NO. 2018-026

AN ORDINANCE REVISING THE AUTHORIZED RANGE OF PAY SCALES AND BENEFITS FOR HOURLY RATED AND SALARIED EMPLOYEES AT WOOSTER COMMUNITY HOSPITAL, AND REPEALING FORMER ORDINANCES (Ansel)

VII. NEW BUSINESS - NONE

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2018-023

AN ORDINANCE 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, 2019, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2019, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this

Council or its committees, in compliance with the law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-19-18 2nd reading 12-3-18 3rd reading _____

Passed: _____, 2018 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2018 _____
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2018-025

AN ORDINANCE AMENDING CHAPTER 521, HEALTH, SAFETY, AND SANITATION, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the City of Wooster desires to promote the health and safety of those who could benefit from the use of the shelter facilities available in the City of Wooster; and

WHEREAS, individuals without shelter will be safer in their persons and property if they make use of the available shelter facilities in the City of Wooster.

WHEREAS, There is a need to continuously maintain communication with those who would benefit from shelter resources in the City of Wooster.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Chapter 521 of the Codified Ordinances, entitled, HEALTH, SAFETY, AND SANITATION shall be amended to include Section 521.15 USE OF AVAILABLE SHELTER FACILITIES, to read as follows:

521.15 USE OF AVAILABLE SHELTER FACILITIES

SECTION 1.

(a) As used in this ordinance:

(1) "Lodge or lodging" means to sleep; to come to rest and refuse to vacate the area when requested by a law enforcement officer.

(2) "Right of Way" has the same meaning as it does in provision 301.32 of this code.

(3) "Tree lawn" has the same meaning as it does in provision 905.02.32 of this code.

(4) "Sidewalk" has the same meaning as it does in provision 903.01 of this code.

(b) No person shall lodge on a public sidewalk, tree lawn, right of way, or other public place.

(c) No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this section against any person unless:

(1) Shelter space is readily available to the individual in need;

(2) An offer has been made to transport the person to the available shelter;

and,

(3) The officer requests or orders the person to refrain from the alleged violation of this section.

(d) A person may be cited or arrested for a violation of this section if the person fails to comply after receiving the oral request or order and refuses to go to or to be transported to the available shelter after being given one hour to relocate from the sidewalk or other public place.

(e) Whoever violates this section is guilty of a minor misdemeanor for the first offense. All subsequent offenses within one year shall be a misdemeanor of the fourth degree. The penalties for both offense levels shall be as defined in 501.99 of this code.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. This Ordinance is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to protect the public and the City; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-19-18 2nd reading 12-3-18 3rd reading _____

Passed: _____, 2018 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2018
Mayor

Introduced by: Craig Sanders

MEMO FROM THE LAW DEPARTMENT

TO: City Council

CC: Bob Breneman, Mayor, Joel Montgomery, Director of Administration

FROM: Director of Law, John Scavelli

DATE: **November 16, 2018**

RE: **Proposed amendments to Chapter 521 of the Wooster Codified Ordinances**

The City Administration is providing one piece of legislation that would amend Chapter 521, Health, Safety, and Sanitation, of the City Codified Ordinances. The legislation would attempt to facilitate individuals being provided available services. We are currently considering a second piece of legislation that is aimed at facilitating citizen and individual's safety within public areas and road R/W.

These amendments have been informed by extensive research into the legal issues and current case law. The Ninth District Court of Appeals has determined that laws that criminalize homelessness where there is no viable option for shelter violates the Eighth Amendment of the United States Constitution. *Martin v. City of Boise*, 902 F.3d 1031, 1048 (9th Cir. 2018). The Eighth Amendment prohibits cruel and unusual punishment. "As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." *Id.* While this decision is not controlling case law in Ohio, it is persuasive. Following this ruling opens the City up to the smallest chance of legal challenge.

In addition to the proposed ordinance amendments, we wanted to update you on activities performed and planned by the City and the Police Department in response to downtown issues and concerns expressed and observed over the last year.

- Maintain our membership on the Housing Coalition and partnership with social service agencies. We will continue to work with social service agencies to address the social concerns that may contribute to homelessness, such as mental health issues, substance abuse issues, and others that our social service agencies are better equipped to handle. We will also attempt to coordinate services provided in a way that is conducive to downtown business activities. Officers and social service agents have performed several events downtown, and will continue to do so through the Housing Coalition and a Quick Response Team developed by partnering agencies and the Police Department. We will also follow-up with individuals and agencies contacted during targeted downtown outreach events.
- Continue daily patrols downtown on both day and night shifts. Officers have been on the street, in alleys and in parking lots almost every day for several months.
- Designate a downtown liaison officer. An officer and/or officers will be designated to patrol downtown businesses specifically and make contact business owners on a regular basis regarding current issues and incidents.

- A full-time parking enforcement and liaison officer is currently being advertised and will be filled with a certified peace officer for a dedicated downtown position.
- Extra-duty shifts will be posted for voluntary patrols for added security. These positions are paid at the officer overtime rate.
- For the immediate future, our Police Department has put out a directive for an extra duty patrol at Trinity Church every weekday morning, monitoring the church property, adjacent parking lots, sidewalks, alleys and other activity areas. This is in addition to the daily foot patrols.

As always, if there are concerns about or observations of any criminal or illegal activity, we would urge anyone to notify the Wooster Police Department directly and immediately at the non-emergency number 330-287-5702 so an officer can be dispatched.

Please do not hesitate to contact me if you have any questions.

ORDINANCE NO. 2018-026

AN ORDINANCE REVISING THE AUTHORIZED RANGE OF
PAY SCALES AND BENEFITS FOR HOURLY RATED AND
SALARIED EMPLOYEES AT WOOSTER COMMUNITY
HOSPITAL, AND REPEALING FORMER ORDINANCES

WHEREAS, the Board of Governors of Wooster Community Hospital, at its meeting on November 28, 2018, recommended the adoption of new maximum pay scales and benefits to remain competitive within the industry and community; and

WHEREAS, the Charter and Ordinances of the City of Wooster provide that the Board of Governors shall fix compensation for hospital personnel, subject to the approval of City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the authorized range of pay scales and benefits for hourly rated personnel and salaried employees of the Wooster Community Hospital by grade and job group, respectively, shall be as shown on the schedule attached and made a part of this document, and shall be made effective as of January 8, 2019.

SECTION 2. That the Board of Governors of Wooster Community Hospital shall have the authority to establish, or to promulgate the rules and regulations for establishing, the grade or job group into which each position at the hospital should be placed.

SECTION 3. That all previous ordinances and resolutions or sections in conflict with this Ordinance are repealed.

SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 12-3-18 2nd reading _____ 3rd reading _____

Passed: _____, 2018 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2018
Mayor

Introduced by: Jon Ansel