



WOOSTER CITY COUNCIL MINUTES
January 5, 2015

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 Knapic, Scott Myers, Craig Sanders, David Silvestri and Jon Ulbright.

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

Mr. Buytendyk noted the agenda had been revised since it was first issued. He stated council would consider renewing its contract for videotaping services of council meetings and would also discuss a matter of pending litigation in the executive session to be held later in the meeting.

II. APPROVAL OF MINUTES

Mr. Cavin moved, seconded by Ms. Knapic, to approve the minutes of the December 15, 2014 regular meeting. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman congratulated city employees, specifically Les (fire department) and April Teichmer (police department), and Mike Jewell (police department) and Josh Timko (police department), for organizing the ‘Stuff the Cruiser’ campaign to raise money and take donations for families in need.

Mr. Buytendyk noted council members received notice from Mr. Dordea regarding the Linked Deposit Program, and stated there was no activity during 2014.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

None.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

None.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2015-01 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS (Myers)

Mr. Myers stated this resolution comes before council each year as it pertains to subsidized transportation services for those who need them. He stated \$65,000 is budgeted to be spent in the contract with Wooster Express. Mr. Myers noted the number of participants has been going down over the last several years. Ms. Ashley Brillhart stated the city lost two taxi pass program participants in July 2014, and the city spent approximately \$89,000 total in 2014, which is \$40,000 less than in the prior year. She stated the ridership numbers are decreasing, so the Recreation Department is projecting to spend \$65,000 on the program in 2015. Mr. Ulbright asked if ridership has decreased because of the loss of the other two participant companies. Ms. Brillhart said it could partly explain the decline, and those riders may still be using cab

services and paying full price. Mr. Ulbright asked if the other two companies gave any reason as to why they no longer wanted to participate. Ms. Brillhart replied the companies had stated they were not seeing the revenue they wanted to see. Mr. Ulbright asked if it was known what other factors might have impact on the numbers and if it is possible to conduct a study on this issue. Ms. Brillhart said she knows churches are helping and there may be other services available to these residents that have decreased their need for the taxi program. She stated the city has records of residents who had used the program in the past and the city could contact them to conduct a survey as to why they no longer use it. Mr. Cavin asked if Wooster Transit was still involved with the program, and if there is anything in place to ensure taxis are safe and in good working order. Mr. Buytendyk stated law in Wooster requires all cab operators to have their vehicles inspected by the Ohio State Highway Patrol (OSHP) before being allowed to operate. Mayor Breneman said the City has a protocol that is followed by which the taxi cab must be inspected by the OSHP before the police department will approve it for operation in the City. Mr. Sanders asked if Wooster Hospitality Transit may be a reason for the decrease in the taxi program users. Ms. Brillhart said absolutely because the company has added weekend hours and it only costs \$1 if a person is part of the taxi program, or \$2 if the person is not, to use that service. Ms. Knapic stated there is legislation in the works that will cover taxi companies and tighten up the requirements and regulations. Mr. Myers reminded everyone that the state licensing through the City and the state patrol is outside of the purview of the transportation assistance program as administered through the Recreation Department.

Mr. Myers moved, seconded by Mr. Ulbright, 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. 2015-02 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH THE WOOSTER SOCCER ASSOCIATION FOR SOCCER-RELATED ACTIVITIES SERVICES (Myers)

Mr. Myers stated thousands of people come to the City of Wooster for soccer activities each year, which brings revenue to the City. Mr. Myers noted this item is budgeted and asked Mr. Jeff Battig, the Recreation Manager, to share further details. Mr. Battig stated the Wooster Soccer Association (WSA) is a good partner for the City and has committed to paying \$5,000 toward the cost of work on the parking lot at the soccer fields. The remaining balance of the cost will be covered by a state Nature Works grant, so the improvements will cost the City nothing. Mr. Battig also added the WSA helps keep the restrooms clean and the grass mowed, too. Mr. Myers added the legislation is to authorize the City to enter a contract to pay the referees, coaches, and for administration of the soccer programs. The contract is estimated to cost \$60,000. Mr. Buytendyk added the City is essentially a conduit because it collects the user fees and then uses those to pay the WSA for its services. Mr. Battig said that was correct.

Mr. Myers moved, seconded by Mr. Ansel, 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. First Reading – RESOLUTION NO. 2015-03 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER'S SWIMMING FACILITIES (Myers)

Mr. Myers noted the cost of the agreement with the YMCA to manage the City's pools is \$139,479. He added though it is an increase over the previous year, it is the budgeted amount and less may be spent. Mr. Myers also reminded council members the budgeted amount for the City to perform all operations

was approximately \$172,000, so it is a significant savings. Mr. Myers said he believes the problem with the pools is the revenue side and not the expense side because revenues were down last year, which could partially be due to the unseasonably cooler summer weather. Mr. Cavin stated he heard numerous complaints about the pools, including complaints about cleanliness and understaffing. He said he could not support this legislation due to those complaints and also because of the attendance numbers trending downward. Mr. Montgomery stated he was unaware of the City's administration receiving any of the types of complaints Mr. Cavin had received. Mr. Silvestri said he had not received any complaints regarding the pools and contrasted that experience to an entity that was engaged to run the pools a few years ago. Mr. Silvestri added he was glad the working relationship between the YMCA and the City's Recreation Department was a good one and encouraged residents to get out and enjoy the pools this summer. Mr. Myers also added the City saves money because they do not have to pay for employee drug testing or OPERS. Mayor Breneman also added that he did not hear any complaints about the pools this year and said that was unusual because he had heard complaints each of the previous years. Mr. Cavin said it was mainly senior citizens who voiced complaints to him.

Mr. Myers moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried by a vote of six to one, with Mr. Cavin voting in the negative. (Ansel-yes; Cavin-no; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

4. First Reading – RESOLUTION NO. 2015-04 A RESOLUTION AUTHORIZING PAYMENT TO HAS CLAIMS FOR SETTLEMENT OF A CLAIM AGAINST THE CITY, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated a lawsuit was brought against the City in 2013 alleging violations of the Americans with Disabilities Act (ADA). Mr. Ansel said the litigation has been resolved and settled, and the City needs to pay the deductible, which is \$25,000, to its insurer that helped handle the claim. Mr. Ansel noted City Administration has kept council members informed of the development of the case. Mr. Ansel also noted many other communities were faced with similar situations. Mr. Ulbright asked Mr. Montgomery if he could mention some of the larger issues that needed to be rectified. Mr. Montgomery said the list of items is mainly small things like grab bars in restrooms, adjusting stall doors, etc. He said the City is currently working through the list, which covers most of the City's facilities, and have budgeted approximately \$60,000 for those items in 2015. Mr. Ulbright asked about sidewalks and Mr. Montgomery replied the settlement allowed the City to remedy those issues as it completes other projects. He also added the City hopes to be able to use CDBG or Downtown Revitalization Funds to help pay for those changes. Mr. Ulbright asked if the City was surprised by any of the items claimed to be problems in the lawsuit. Mr. Montgomery responded he was surprised that the City never received any complaints about any of these areas of concern prior to being served with the lawsuit. He added most items were on a list to be updated in the next five years or so. Mayor Breneman said the ADA law was updated in 2010, and does not grandfather in existing structures. As an example, he cited handicap accessible parking spaces, which exist at all City facilities, must not only be marked on the ground as they are currently, but must also have a sign erected labeling them as such. Mr. Montgomery also added the City was told the flush handles on the toilets at one of the park restrooms are on the wrong side. He also stated the downtown gazebo was built and made accessible per the guidelines at the time, and now the City must modify it to suit the new laws. Mr. Ulbright said he was glad to hear this because there is a big difference between what Mayor Breneman and Mr. Montgomery were describing and throwing caution to the wind. Mr. Montgomery added the City wants everything to be accessible, though they would have preferred to have been able to do it in a planned manner rather than being served with a lawsuit. Mr. Benson described the City's procedure for evaluating the claims of the lawsuit with an expert from the City's insurance company, and also stated the plaintiffs are residents of Wayne County, are in wheelchairs, and they did attempt to use facilities and were unable to do so. Mr. Benson also added the lawsuit was not predatory because the

plaintiffs did not win any damages, only legal fees, which is the way the ADA law works. The law firm representing the plaintiffs is from Alabama.

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; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Myers, 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).

5. First Reading – RESOLUTION NO. 2015-05 A RESOLUTION AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MURR PRINTING OF WOOSTER FOR VIDEO SERVICES FOR MEETINGS OF WOOSTER CITY COUNCIL (Ansel)

Mr. Ansel said the agreement between city council and Murr Printing is entering its seventh year, and said it is good to have the meetings air twice per week in an effort to maintain an open government. Mr. Ansel said Murr Printing has worked over the years to improve the audio and video quality of the recordings. Mr. Ansel said the contract was competitively bid twice before, with the Murr bid coming in significantly lower than other interested parties. Mr. Ansel also added council has not been approached by any other parties and the proposed contract is for the same length and terms as the previous contract: \$248 per meeting and the length of the contract is proposed to be two years.

Mr. Ansel moved, seconded by Mr. Ulbright, 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).

VIII. EXECUTIVE SESSION

Ms. Knapic moved, seconded by Mr. Silvestri, to go into executive session to discuss the possible acquisition of real property and some 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 Ms. Knapic, to reconvene from executive session. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

IX. MISCELLANEOUS

None.

X. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Myers, to adjourn. Motion carried and meeting so adjourned at 9:25 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council