

**CITY COUNCIL MINUTES
February 1, 2010**

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, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Buytendyk, to approve minutes of the January 19, 2010 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Recommended to council the reappointment of Greg Long to the Income Tax Board of Review Board and Ed Abramson to the Fair Housing Board; 2) Encouraged attendance at Wooster High School's school levy meeting on Wednesday, 2/3/10; 3) City is continuing to research a regional dispatch center and possibly applying for an Efficient Gov Now Grant; 4) Quick view of 2009 funding in comparison to 2008: general fund revenues down 8%, income tax receipts down 8% operating expenditures down 11.69%, days in cash down 28 days; 5) 2011 budget is being evaluated; 6) January 2010 building permit totals for new home construction have exceeded the grand total for 2009.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following member of the audience spoke: Pete Philippon, President of Wooster Soccer Association, 3514 Evergreen Dr. (soccer field restroom and concession facility improvements).

V. COMMITTEE REPORTS; PUBLIC HEARINGS (none)

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2010-02 AMENDING CHAPTER 161, FINANCIAL PROCEDURES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY MODIFYING THE REQUIREMENTS PERTAINING TO GOVERNMENTAL FUNDS (Buytendyk)

According to the city's charter, the capital improvements fund must maintain a balance equal to one year's depreciation of governmental fund assets, which is around \$3 million. Mr. Buytendyk gave a presentation demonstrating how the budget works and what would happen at year end if the mandated minimum balance requirement is not removed. Mr. Buytendyk stated the way the revenues are looking, at the end of 2010 the city is going to have a shortfall of at least \$1.5 million but still have \$6 million between the rainy day fund and capital improvements fund that can't be touched unless a change is made to the ordinance. He believes at the time the minimum balance was mandated, it looked good on its face, but how it actually operates is injurious to the finances of the city of Wooster. In tough economic times, in deciding between spending money out of the capital improvements fund or cutting services and jobs, Mr. Buytendyk indicated his vote would be to replenish the money when available as the money can't be spent as it is now and it would be disingenuous to go before the voters and ask for a tax increase with \$6 million encumbered that can't be spent. City administration answered several of council's questions. Mr. Ulbright indicated he was glad to hear the city is looking at various ways to deal with the budget, but before going to the dire extreme of reducing services or laying off workers, he feels there are many alternatives to consider, such as, the State of Ohio has a 10 cost savings day reduction in their salary and employees are forced to take 10 days without pay in fiscal years 2009/2010 and 2010/2011. The advantage of that reduction is its temporary and when the financial crisis passes then the employees will return to their normal pay rate. He indicated he would gladly give up 10% of his salary and felt the administration would consider a salary reduction as well. Mr. Ansel wanted to clarify that the revision to the ordinance requires a super majority vote in order to not replenish the capital improvement fund equal to the level of depreciation. The amendment to the ordinance provides council with the opportunity at the end of the year to make the decision how to replenish the capital improvement fund or whether to

defer replenishment of the fund because of economic hard times, otherwise there is no choice. Ms. Knapic wanted to verify that in deciding not to replenish the fund one year, but the next year decide to replenish it, that would require bringing funding back up the required level, so as its not a long term loss of funding to the capital account. Mr. Buytendyk stated he would rather be proactive and make these adjustments in case the city comes up short at the end of year. Hopefully not, but usually local municipalities are the last ones to come out of it. Mr. Silvestri wanted to make clear that if adopted, this will change the city ordinance indefinitely, not just this year. Secondly, he wanted to verify this change only affects the requirement in the capital improvement fund and does not affect the 60-day rainy day fund requirement. Mr. Sigg added you can only spend money out of the capital improvements fund to the extent that you can replace it by the end of the year. Mr. Ulbright felt it would be helpful if council were provided with a running tally of expenditures from the capital improvement fund. Mr. Dordea said the 2010 budget includes \$1.7 million out of the capital improvement fund.

Upon roll call, motion to adopt carried 5-2 (Ansel-yes; Buytendyk-yes; Cavin-no; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-no).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2010-03 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk stated this is an annual housekeeping ordinance to update the Wooster Codified Ordinances to coincide with state statutes.

Mr. Buytendyk 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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

2. First Reading - ORDINANCE NO. 2010-04 AUTHORIZING THE DIRECTOR OF FINANCE TO ADVANCE MONIES FROM THE GENERAL FUND ON AN AS-NEEDED BASIS FOR THE PURCHASE OF PROPERTIES IN ACCORDANCE WITH THE FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM (Ansel)

Mr. Ansel explained the city has been granted funds in excess of \$400,000 from the federal government for the purposes of conducting activities under the Neighborhood Stabilization Program which is targeted at identifying abandoned and foreclosed properties for rehabilitation or demolition. The funds will be allocated to the Wayne Metropolitan Housing Authority who will coordinate NSP activities within the city of Wooster. Due to deadlines and funding requirements, the funds need to be expended before they are released by the State of Ohio. Therefore, the city is requesting advancement of \$500,000 from the General Fund in order to begin acquisition and rehabilitation of these properties. No funds are at risk to the city and all funds will be reimbursed back into the general fund. There are a total of four homes and Mr. Sigg indicated they are not connected to the Howey Houses but are very complimentary of each other. The Howey Houses are being done without any public funds whatsoever. Mr. Sigg further explained the funding process for the Neighborhood Stabilization Program.

Mr. Ansel 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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

3. First Reading - RESOLUTION NO. 2010-18 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PURCHASING ROAD SALT (Ulbright)

Mr. Ulbright stated the estimated cost for the purchase of road salt is \$300,000, is a budgeted item and will be competitively bid. Mr. Sigg explained how the city works off of a stockpile and determines the quantity needed to be purchased. Due to past salt shortages and high prices, the city likes to purchase salt in July rather than waiting until September/October to fill the salt shed.

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

4. First Reading - RESOLUTION NO. 2010-19 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MILLING VARIOUS STREETS (Ulbright)

Mr. Ulbright stated this is to contract for milling of streets in preparation for paving. The estimated cost is \$30,000 and is a budgeted item. This is a sole source bid through the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program. Mr. Sigg explained there is a tentative list of streets to be milled, but could change by spring due to necessity.

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

5. First Reading - RESOLUTION NO. 2010-20 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR FUEL SERVICES FOR CITY VEHICLES (Ansel)

Mr. Ansel stated the city does not maintain internal fueling facilities and therefore subcontracts fuel services to professional organizations with the proper liability and volume purchase pricing. This is a budgeted item and will be competitively bid although the current provider has had the contract for a number of years. Mr. Sigg indicated it is a multi-year contract, the business must be located in close proximity and offer 24 hour access to the fuel.

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

6. First Reading - RESOLUTION NO. 2010-21 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR FURNISHING BITUMINOUS MATERIAL AND CONCRETE (Ulbright)

Mr. Ulbright explained this contract could be either bid competitively or purchased through the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program. The city has found it is cheaper to bid this competitively with local businesses. This is an annual purchase, the estimated cost is \$460,000 and is a budgeted item.

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

7. First Reading - RESOLUTION NO. 2010-22 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR IMPROVEMENTS TO OAK HILL PARK (Knapic)

Ms. Knapic indicated \$500,000 has already been appropriated for the construction of the improvements to the Oak Hill Park. The park has been funded in most part by donations and grants. Two meetings ago council accepted donations for other facility upgrades for the park. This resolution is in keeping everything moving and getting the Oak Hill Park project going by obtaining bids for the improvements.

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

8. First Reading - RESOLUTION NO. 2010-23 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A RESTROOM/CONCESSION FACILITY FOR THE KINNEY SOCCER COMPLEX (Knapic)

Ms. Knapic indicated this is to use money donated from the Wooster Soccer Association and the Topovski Memorial Fund in addition to some capital improvements funds, to build a restroom concession stand on the Kinney Soccer complex. Over 4000 participants involved in this program use the soccer field. Ms. Knapic feels this will be a wonderful addition to the Kinney soccer fields, drawing more people into the city for soccer tournaments, games, etc. Bidding will be for the construction of the building and the funds have already been appropriated. According to Mr. Dordea, approximately \$25,000 is being used from the capital improvements fund.

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

9. First Reading - RESOLUTION NO. 2010-24 AMENDING RESOLUTION NO. 2009-72 BY AMENDING THE SOURCE OF FUNDS FOR THE PROJECT (Silvestri)

Mr. Silvestri said city council previously passed legislation authorizing bidding and construction of the biotower. The source of funds for the project were to be identified prior to the award of the contract. A low interest loan from the Ohio Department of Development, through the OWDA, has been approved for funding of the project. Therefore Resolution No. 2009-72 needs to be amended to read: The cost of such contract will not exceed \$2,750,000.00, payable from the Water Pollution Control Fund. Mr. Ulbright requested that Mr. Borton, Utilities Division Manager, provide council with a general chronological list of all costs associated with the construction and upgrades of the Water Pollution Control Plant. Mr. Ulbright also questioned if there are plans to construct a second biotower. Mr. Borton said right now the tower is sized for Frito Lay's current and expected expansion of operations. There is an industrial site behind Frito Lay that could be served by the same biotower location if a sewer line is run to it. What that does is allows the city to have an additional option for future potential economic development in that area. Mr. Buytendyk added that Frito Lay is helping to defray part of the cost of the biotower by paying a portion of the funding.

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

10. First Reading - RESOLUTION NO. 2010-25 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SPECIALIZED TECHNOLOGY; TO-WIT: SUPPORT SERVICES FOR OPERATING SYSTEM SOFTWARE FOR THE INFORMATION TECHNOLOGY DIVISION (Ansel)

Mr. Ansel stated this is to approve entering into a contract for support services of the VMware operating system software for the Information Technology Division. The estimated amount of the three year contract is \$42,000, which has been budgeted. VMware software is critical to the city's current IT infrastructure. Over half of the city's servers, filling roles ranging from database to document storage to website, are virtual machines hosted on six "super" servers that run the VMware operating system. This purchase will provide year-round, all-hours technical support. James Dodd, IT Manager, answered technical questions.

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

11. First Reading - RESOLUTION NO. 2010-26 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH GGJ ENGINEERS OF EASTLAKE, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO IMPROVEMENTS TO THE ENTRANCES TO THE CITY OF WOOSTER FROM ROUTE 30, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic stated this proposal is to contract for engineering services in order to obtain a grant in the amount of \$400,000. The city, OARDC, Main Street Wooster and the Chamber of Commerce are interested in improving the entrances to Wooster from US Route 30 in order to attract more people. A Letter of Intent has been submitted for Transportation Enhancement Act (TEA) funding. A full proposal must be submitted by May to obtain this grant. At that point conceptual drawings, scope of work, and other details have to be submitted. GGJ Engineers' fee proposal for the conceptual design to meet the deadline for grant submission is \$18,500. Mr. Sigg said the OARDC and the Chamber of Commerce have pledged \$5000 towards the project bringing the city's cost to \$8,500.

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

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

12. A memo was received from the Mayor recommending reappointments to the following boards/commissions:

INCOME TAX BOARD OF REVIEW

Greg Long, 857 E. Highland Avenue TERM 1/1/1010 – 12/31/2012

FAIR HOUSING BOARD

Ed Abramson, 2745 Tanglewood TERM 1/1/2010- - 12/31/2012

Mr. Silvestri indicated if there weren't any objections from council members he would treat these appointments as one. There were no objections. Upon voice vote, the reappointments were approved.

VIII. MISCELLANEOUS

Mr. Steiner reported on a meeting held with the residents of Pine Street to discuss its paving. The street is brick and some were in favor of having it paved and others want it to remain brick.

Ms. Knapic wanted to thank the Wooster Soccer Association for their donations to the soccer fields and also to all those who donated to the Oak Hill Park project.

Mr. Cavin issued a public thank you to the Wooster Police and Fire Departments for their efforts over the weekend at a house fire on Spink Street. Two firemen were injured in the incident, Nathan Murphy and Josh Brownson, and Mr. Cavin wished them a speedy recovery.

Mr. Ansel scheduled a tentative Finance Committee meeting for the budget review for the second meeting in March, Monday, March 15, 2010 at 6:30 p.m. Mr. Ansel requested that the finance department prepare a running tally of capital improvement fund dollar allocations for the budget meetings.

Mr. Ulbright asked if there was any news regarding the Enviro Clean litigation to which Mr. Benson advised he did not feel it was necessary to go into executive session to discuss the case at this point, but would if council so requested. At Mr. Ulbright's request, Mr. Benson gave a brief explanation of the memo he issued council members regarding the 3-reading rule and the effective date of legislation (attached to minutes). Mr. Ulbright also questioned how an individual would let the Charter Review Commission know of ideas they would like them to consider. Mr. Benson suggested contacting a member of the charter commission, attending a meeting or letting city administration know.

Mr. Silvestri had a question in reference to Mr. Benson's memo, wanting to know if the language "and declaring an emergency" was dropped specifically from the legislation with budgeted items. Mr. Benson indicated it was and gave a further explanation of the provision.

Mr. Borton, Utilities Manager, invited council members to attend an open house at the Water Treatment Plant on Friday, February 5, 2010, from 1:00-4:00 p.m. for Ken Kinney's retirement

IX. ADJOURNMENT

Mr. Steiner moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 9:27 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council