

CITY COUNCIL MINUTES

Special Meeting

April 9, 2012

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the special meeting of Wooster City Council to order at 4:00 p.m. in council chambers. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, Jeff Steiner and Jon Ulbright. David Silvestri was absent.

II. OLD BUSINESS

1. Third Reading - RESOLUTION 2012-37 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO FOR SERVICES RELATED TO THE PREPARATION AND ADMINISTRATION OF A COMMUNITY SURVEY, AND THE DEVELOPMENT OF COMMUNICATION STRATEGIES RELATED THERETO, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said the resolution is on third reading and there has been lively discussion regarding this initiative. The city administration, in anticipation of further reductions associated with the city's negative cash balance and declining revenues, requested the engagement of a third party consulting firm to create a public survey to identify and prioritize community services and also to develop a public awareness initiative to communicate the budgetary issues facing the municipal government. Mr. Ansel said this proposal has the endorsement of the Wooster Area Chamber of Commerce and he asked Mayor Breneman to add additional input. Regarding the questions as to whether the survey should be performed in-house or through the College of Wooster, Mayor Breneman said city administration chose to go with an outside professional group as they felt a quality product was needed in order to receive good information to base future decisions upon, and he expanded on what the survey will look like. Mr. Ulbright said this document will probably provide even more information than needed for the immediate purpose and will surely be referred to for years to come by various divisions within the city government, including council.

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

2. Second Reading - ORDINANCE 2012-08 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)

Ms. Knapic said this is one of the topics that was discussed at the Laws and Ordinance Committee meeting held on Monday, March 26, 2012. She said this is a way to identify and target individuals who have failed to pay city income taxes and entice them into coming forward and paying those taxes, by de-criminalizing and reducing the first time offense to a \$100 fine. The fine was \$1,000 and up to six months in jail. Mr. Buytendyk pointed out that the City of Wooster has a mandatory filing of city income tax returns, even if an individual might not have taxable city income. Also, he said the local municipal court was reluctant to prosecute these matters and he hopes these changes will addresses some of those issues.

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

3. Second Reading - ORDINANCE 2012-09 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH S&D REALTY, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this was covered in great detail at the last meeting. S&D Realty acquired the South Market Grill and will invest in excess of \$350,000 to renovate this business located on S. Market Street, the entryway corridor

for the city. It is located within the CRA district and S&D Realty is requesting 100% tax abatement for 12 years, covering \$255,000.00 of real property improvements. It will retain one full time and four part time jobs. Mr. Buytendyk pointed out he has a conflict of interest with regard to several of these CRA tax incentive matters, however unless there is a tie vote, he would not be required to vote.

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; Cavin-yes; Knapic-yes; Sanders-yes; Steiner-yes and Ulbright-yes).

Mr. Sanders said he realizes the CRA was set up to entice this type of improvement, his only regret is this project has no additional employees to add. Mr. Ansel said the ongoing renovation and beautification of our downtown is a vital strategic initiative that will yield great dividends because the downtown is the cornerstone of a community and the current condition of the South Market Grill is an eyesore within that corridor. Most of the other buildings surrounding it have been refurbished and it is the last building to be renovated in that area. Mr. Ansel said Wooster Growth feels very confident and optimistic about the upgrading of this facility. Mr. Ansel said the CRA is not so much a job generated incentive as it is a beautification and return in value that will be derived from this process.

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

4. Second Reading - ORDINANCE 2012-10 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRASFOND USA FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said it is very exciting to have Brasfond, an international company, establish a new LLC within the City of Wooster. It is the last parcel to be developed in the industrial corridor off Geyers Chapel Road and its is going to be a monumental investment by this Brazilian based company. They are targeted to expend about \$700,000 for the acquisition and subsequent building construction. They will base operations here, starting with two full time jobs with great potential for expansion in the future. Brasfond requested a 50% abatement for 10 years. Property taxes are currently \$3,737; with the 50% abatement \$10,472 and at the end of the 10 year abatement period \$17,207, plus the income tax derived from the engineering personnel they will be adding to this facility. Mr. Ansel said it takes a facility to support job creation and expansion, and this project validates that as Brasfond USA expands within North America, in Wooster, Ohio.

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; Cavin-yes; Knapic-yes; Sanders-yes; Steiner-yes and Ulbright-yes).

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

5. Second Reading- ORDINANCE 2012-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH RETAIL RENTALS, LLC, DBA JUSTBASICSPO RTS, INC. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said several years ago JustBasicSports constructed a building and started a new retail enterprise for gymnastic and cheerleading sportswear, etc. and they have not only succeeded, but now require additional square footage to accommodate their customer demand. JustBasicSports requested 50% tax exemption incentives for 10 years, covering \$382,000.00 of real property improvements. They will retain six full time jobs and one part time job, hoping for future job creation and growth. Property taxes are currently \$15,486; with the 50% abatement \$19,134; and after the abatement expires \$22,784.

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; Cavin-yes; Knapic-yes; Sanders-yes; Steiner-yes and Ulbright-yes).

Mr. Cavin said although he is not in favor of expanding the CRA district up Akron Road, he is in favor of this particular job creating endeavor and therefore will support it.

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

6. Second Reading- ORDINANCE 2012-12 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)

Ms. Knapic indicated this amendment changes various management positions to reflect changes recently made in the Utilities Division. Joel Montgomery said it essentially reduces management by one and creates two supervisory positions. The recently vacated position of Utilities Manager will be filled by the former Assistant Utilities Manager. The Assistant Utilities Manager position will remain vacant and two current chief plant operators will be promoted to supervisors. This will provide for a person in charge at each plant during normal operating hours and spread the duties of the previous assistant manager. Overall it will save the division approximately \$24,000 a year.

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

7. Second Reading- RESOLUTION 2012-41 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE COLUMBUS ROAD RESURFACING PROJECT (PID 92645) (Ulbright)

Mr. Ulbright said this request is to authorize the Mayor to enter into a cooperative agreement with ODOT for resurfacing Columbus Road between Liberty Street and the railroad tracks south of Vanover Street. The estimated total cost is \$58,300 with ODOT funding 80% (\$45,640) and local funds covering 20% (\$12,660). ODOT is funding 80% of the construction and construction engineering costs. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff. ODOT will reimburse 80% of these costs as well. This request is simply to accept the funds already awarded for this project and is a requirement of the funding process.

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

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

8. Second Reading- RESOLUTION 2012-42 AMENDING RESOLUTION NO. 2009-37 BY INCREASING THE AMOUNT OF THE CONTRACT (Ulbright)

Mr. Ulbright said this request is to increase the amount of the contract with Engineering Associates of Wooster, who are currently under contract for the Phase 2 design and environmental work, to provide additional design and environmental services for Phase 2 of the reconstruction of Akron Road, from Gateway Drive to Long Road. Estimated cost is \$33,000 and this amount is budgeted in the Capital Improvement Fund and State Highway Fund. The estimated total construction and construction engineering cost is \$3 million, of which ODOT has committed to \$2.4 million. Phase 1 construction is nearly complete and final costs appear to be on track to come in more than \$450,00 under the original budget. ODOT agreed to transfer a portion of the grant funds from Phase 1 to Phase 2 in order to extend the Phase 2 project bike path and sidewalk south of Long Road to Canal and Highland Park. ODOT

requires a pre-qualified firm to perform the design and environmental work for the project extension. All of the construction engineering (\$278,000) will be performed in-house by the engineering division staff and reimbursed.

Mr. Ulbright 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; Sanders-yes; Steiner-yes and Ulbright-yes).

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

9. Second Reading- RESOLUTION 2012-44 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT TO THE STATE OF OHIO IN SETTLEMENT OF AN OEPA ENFORCEMENT ACTION (Ansel)

Mr. Ansel said everyone is aware that the city had significant liabilities associated with non-compliance and emission levels above EPA maximum discharge levels at the Waste Water Treatment facility. In the process of identifying problems/resolutions, we continued to be assessed potential EPA fines for lack of compliance. Through professional counsel representation and ongoing process improvements of the Waste Water Treatment facility, we were able to gain the confidence of EPA and in that good faith agreement were able to avoid a fine in the upper six figure range and have the fine reduced to \$10,000. Mr. Ansel this was money well spent in allowing us to get to where we need to be with the operations at the Waste Water Treatment facility and it is a wake up call that we are now on the last phase of our tolerance level with the OEPA. Mr. Ansel said this is more of a cursory fine and he feels we need to put this behind us as we embark upon our internal improvement of operations at that facility.

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; Sanders-yes; Steiner-yes and Ulbright-yes).

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

III. ADJOURNMENT

Mr. Buytendyk noted that this special meeting was called by the mayor to deal with the legislation that was carried over from the April 2, 2012 meeting, some of which was time sensitive.

Mr. Ulbright moved, seconded by Mr. Ansel to adjourn. Motion carried and meeting so adjourned at 4:35 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council