

CITY COUNCIL MINUTES
May 16, 2011

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, David Silvestri, Jeff Steiner and Jon Ulbright. Mark Cavin arrived at 8:10 p.m. and Barbara Knapic was absent.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ansel, to approve minutes of the May 2, 2011 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Director of Administration Robert Fowler updated council on various activities in the City: 1) Oak Hill Park groundbreaking occurred May 5, 2011 and Mayor Breneman asked special thanks be given to those who made it possible, specifically The Noble Foundation, Gene and Joan Buehler, Wayne County Community Foundation and the Rotary Club. 2) The list of public streets under consideration for improvement in 2011 was distributed to council. 3) ABS Materials received the Ohio Chamber of Commerce's 2011 Excellence in Entrepreneurship Award. Gov. Kasich presented the honor which included a \$25,000 grant. 4) The City of Wooster was ranked by fDi Magazine's American Cities of the Future 2011-12 as one of the Top Ten Micro Cities for Business Friendliness and Cost Effectiveness. 5) OWEA Northeast Section will host their meeting in Wooster this week and will tour the city's water and wastewater facilities. 6) Clear Picture Inc. and the city have partnered together to provide Wi-Fi service at Freedlander Park as test site, at no cost to the city.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A Petition to Vacate a Public Street was received from the College of Wooster and Norma Booth, requesting the closure of Gasche Street between University Street and Wayne Avenue. The petitioners own all land abutting the street in the area of the proposed vacation.

Mr. Silvestri said it was decided that public comment regarding the Gasche Street vacation petition would be allowed during the discussion of Ordinance No. 2011-17, so those wishing to speak could wait until then if they wished. He said a presentation from the College of Wooster would also be given at that time.

The following members of the audience spoke: Ann Kieffaber, 1175 Summerset Drive (Friends of Christmas Run Pool's support of YMCA's proposal to manage city pools); Brigid O'Connor, 907 N. Grant (YMCA's proposal to manage city pools); Norma Booth, 804 E. University (College of Wooster's project completion date and high grass complaint).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel gave a brief overview of the Finance Committee meeting held at 6:30 p.m. prior to the council meeting, which focused on revenue and expense activities through the first four months of 2011. According to a financial report prepared by the Finance Division, the Rainy Day Fund increased from 133 days to 149 days, which Mr. Ansel said was primarily due to the Voluntary Separation Program and the fiscal management on behalf of the city administration. In comparison to 2010, revenues are down 1.7% (\$102,000) and expenditures are down 17% (\$894,000), with a favorable variance of \$700,000. As a word of caution, Mr. Ansel said while the revenue funds (water, storm sewer, waste water treatment, Waste Management refuse) are performing well, the concern focuses on the unknown, such as the impact state and federal funding changes may have on municipalities. But with optimism, Mr. Ansel said the city has performed well in the first four months of 2011 and income tax receipts are up which means people are working in the City of Wooster.

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-14 AMENDING CHAPTER 168, EMPLOYEES GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER,

OHIO, BY RE-ADOPTING AN EXISTING DEFERRED COMPENSATION PLAN
AND AUTHORIZING THE MAYOR TO APPROVE OTHER PLANS WHICH MAY
BE IN THE BEST INTERESTS OF THE EMPLOYEES OF THE CITY (Buytendyk)

Mr. Buytendyk pointed out there were not enough council members in attendance to suspend the rules, so the ordinance would be left on first reading. He said the purpose of the ordinance is to allow flexibility of the city's deferred compensation plan. Currently the Ohio Public Employees Deferred Compensation Program is the sole program being used, but if a better program were available, the city would be able to explore that option as well. The ordinance remained on first reading.

2. First Reading - ORDINANCE NO. 2011-15 AMENDING THE ANNUAL APPROPRIATION
ORDINANCE, AND AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE
PAYMENT FOR SERVICES RENDERED (Ansel)

Mr. Ansel said the Recreation Division needs to replace one of the two boilers at Freedlander Pool as it is in poor condition and unsafe to operate. The cost to replace the boiler is \$14,000, whereas the repair cost is \$10,000, with no guarantee. The ordinance remained on first reading.

3. First Reading - ORDINANCE NO. 2011-16 APPROVING AND ADOPTING A STRATEGIC PLAN
FOR DOWNTOWN WOOSTER (Ansel)

Mr. Ansel said the Wooster Downtown Revitalization Strategic Plan, which was distributed at the meeting, is a very detailed working document. The State mandates the format and Mr. Ansel reviewed some of those dynamics. The strategic plan is intended to assist Main Street Wooster, the City of Wooster, Wayne County and the Wooster Area Chamber of Commerce with developing a redevelopment/revitalization plan for Wooster's central business district. City Council's approval of the strategic plan is necessary in order to apply for a \$400,000 federal grant for improvement to the downtown area. Mr. Ansel said the deadline date for approving the plan is Friday, May 20, 2011 and since there were not enough council members in attendance to pass the ordinance, a special council session would need to be scheduled prior to that date. The ordinance remained on first reading.

4. First Reading - ORDINANCE NO. 2011-17 VACATING A PORTION OF GASCHE STREET,
BETWEEN WAYNE AVENUE AND UNIVERSITY STREET (Ulbright)

Mr. Ulbright explained how he would like council to pursue the proposal to vacate a portion of Gasche Street. He said council is not legally bound to hold a public hearing as the petitioners own all land abutting the streets in the area of the proposed vacation, but he would like to hold an Infrastructure Committee meeting on Monday, June 6, 2011 at 6:30 p.m. for public comment. Mr. Ulbright asked that the meeting notice be published two times in the newspaper and also mailed to residents on Wayne Avenue between Beall Avenue and Palmer Street; University Street from Beall Avenue to Palmer Street; Gasche Street north of Wayne to Kieffer Street and Gasche Street south from University to Spring Street. After reading sections of the ordinance, Mr. Ulbright asked representatives of the College of Wooster to speak to the issue. President Grant Cornwell, Jackie Middleton and Laurie Stickelmaier presented their conceptual plan and explained it is part of the college's developing master plan for the next ten years. They propose to join the golf course with the campus, creating additional green space and parking, which will benefit both the college and the community. One of their primary concerns for closing the section of Gasche is pedestrian and traffic safety. They cited a 2007 traffic study which said there was very little thru traffic on this section of Gasche and the traffic there traveled at high speeds. They noted Wooster Fire Chief Eyler and Wooster Police Chief Glick informed them the closure would not affect safety services as the section of roadway it is not currently used by emergency vehicles due to the poor roadway conditions.

Mr. Silvestri noted that Mr. Cavin joined the meeting.

Mr. Silvestri and Mr. Ansel both indicated they would not be in attendance at the June 6, 2011 meeting(s) and offered their initial support of the plan. In 2007 a proposal to vacate the same portion of Gasche was submitted by the same petitioners but it was not approved and Mr. Silvestri and Mr. Ansel both felt that was due to poor timing as

the Beall Avenue Streetscape was under construction. Joel Montgomery, City Engineer, estimated it would cost approximately \$200,000 to pave that stretch of Gasche Street.

Mr. Ulbright opened up the floor for public comment. The following members of the audience spoke against the proposal to close one of the few north/south thoroughfares: Dominic Massaro, 729 E. University; Brenda and Gary Maynard, 664 Callowhill St.; Greg Gehris, 347 Grant St. They stated their various concerns, such as heavy traffic on Beall Avenue and if emergency vehicles had enough room to pass on Beall Avenue.

Mayor Breneman wanted to emphasize the city has been working with the College of Wooster on their master plan and discussing how the city can be involved in helping the college achieve that vision.

Mr. Cavin stated he was not very well versed with the college's conceptual plan and his initial reaction was not to support closing a north/south artery in the city. He felt citizens brought up some very good points and he too has witnessed traffic bottlenecks on Beall Avenue.

Mr. Ulbright said the topic of improving Gasche Street has come up many times over his twenty-years on council and the infrastructure committee. He feels the city has been derelict in its duties to improve Gasche Street from Nold Avenue up to Winter Street and that it should have been improved thirty years ago. He said the city keeps annexing new land and inheriting a lot of unimproved streets, but the unimproved city streets in the older sections of our town still need to be addressed, such as Gasche Street with heavy traffic. Mr. Ulbright reminded everyone of the Public Infrastructure Committee meeting to be held on June 6 at 6:30 in Council Chambers to discuss this issue.

RECESS

At the advice of the law director, Mr. Silvestri asked council to take a five minute recess to discuss a matter of procedure. There were no objections and council went into recess. Council reconvened from recess and Mr. Silvestri explained that with Mr. Cavin's arrival to the meeting, there would be enough council members to suspend the rules and pass legislation. The question was whether council could revisit Ordinance No. 2011-17, so a special council session would not have to be held. Mr. Benson determined it would be out of order to revisit Ordinance No. 2011-17 as it had already received its first reading. A special council session was scheduled for Wednesday, May 18, 2011 at 5:00 p.m.

5. First Reading - RESOLUTION NO. 2011-52 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIRS ON SR 3 OVER US 30 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said ODOT is requesting the city's consent to make repairs to the SR 3 bridge over US 30 which is within the city limits. These repairs will be at no cost to the city. Mr. Ulbright listed the various repairs to be done and noted the city would be 100% responsible for any additional construction items requested.

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

6. First Reading - RESOLUTION NO. 2011-53 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said the Tax Incentive Review Committee (TIRC) is a joint committee of both county and city personnel that review the Enterprise Zone (EZ) tax abatements. The TIRC met and recommended the continuance of EZ

abatements for Akron Brass, Frito-Lay, LUK, Inc., Tekfor and Gerstenslager. Mr. Ansel highlighted the terms of the abatements. Akron Brass is entering its final year of a 10 year 50% abatement. Frito-Lay's 50% abatement is coming to completion in June 2011. LUK is completing their 75%, 10 year abatement in December 2011. Tekfor's abatement will run through December 2013. Gerstenslagers will complete their 10 year abatement in December 2011. Mr. Ansel said the five companies have fulfilled their obligations and TIRC is recommending that council approve the continuance of these abatements.

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

7. First Reading - RESOLUTION NO. 2011-54 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A THREE-YEAR CONTRACT WITH SUNGARD PUBLIC SECTOR, INC. FOR BOTH ASP SERVICES AND TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT AND HUMAN RESOURCES DIVISION SOFTWARE (Ansel)

Mr. Ansel explained the Finance Division has determined that by combining two existing one-year contracts and agreeing to a single three-year contract with SunGard Public Sector, Inc., the city would receive a substantial savings. The current contracts increase in price each year by CPI + 2%. With a multi-year contract, the city will experience increase percentages of 0% in year 1, 0% in year 2, and 3% in year 3. These terms are more favorable than the two existing one-year contracts previously approved. Mr. Ansel said the cost savings to the city over the three-year term will be a minimum of \$18,000.

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

VIII. MISCELLANEOUS

Mr. Silvestri said he will be absent at the June 6, 2011 City Council meeting and Mr. Buytendyk will be presiding over the meeting. There were no objections.

Mr. Buytendyk thanked Mr. Ansel, Mr. Dordea and the Finance Division for a good finance committee meeting.

Mr. Ulbright was pleased with the first reading on the proposal to vacate a portion of Gasche Street. He thanked the Finance Division for the informative finance report. Mr. Ulbright also encouraged citizens to try and keep up with mowing their lawns during this rainy season, particularly in time for Memorial Day.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 9:05 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council