



WOOSTER CITY COUNCIL MINUTES

July 7, 2014

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. In Ms. Hamilton's absence, Richard Benson was Acting Clerk of Council.

Mr. Buytendyk noted that this is the last council meeting before council would go on hiatus until the third meeting in August. Mr. Buytendyk also added that an executive session would be added to the agenda just prior to item number seven under new business to discuss pending litigation.

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

II. APPROVAL OF MINUTES

Mr. Silvestri moved, seconded by Ms. Knapic, to approve the June 16, 2014 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman informed council that the Palm House Apartments were recently re-dedicated. The Miller-Valentine Group from Cincinnati have completed renovations to the residences, formerly known as the Rebecca Street Apartments. Mr. Breneman also reported he attended a BioHio meeting to discuss how to move forward with constructing buildings. Mayor Breneman wished to thank the Exchange Club, who raises the funds for the fireworks. Mr. Breneman emphasized that no city funds are spent on fireworks. Mr. Breneman also thanked the Wooster Engineering, Fire, Police, Public Properties Maintenance, and Recreation Departments for their work to make the event safe for residents to attend.

Mayor Breneman announced the city has received notification that it has been deemed a Certified Local Government by the U.S. Department of the Interior, which will open up additional grant opportunities. This designation comes after an application submitted by Andrew Dutton, Planning and Zoning Manager, and a recommendation from the Ohio Historic Preservation Office.

Mr. Breneman also stated the Portage Road repaving project is complete.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following members of the audience spoke: Diana Thomas, 236 Spring Street, (Autism); Sherry Kryder, 135 Billiar Street, (Res. No. 2014-49); and Mindy Cavin, 324 Palmer Street, (Res. No. 2014-49).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

None.

VI. OLD BUSINESS

1. Third Reading – RESOLUTION NO. 2014-38 RESOLUTION PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2015 (Ansel)

Mr. Ansel stated it is required by the Ohio Revised Code for the city to submit the budget forecast to the county auditor.

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).

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-21 AN ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders stated the Stark-Tuscarawas-Wayne Joint Solid Waste Management District (District) submitted a draft plan to the Ohio EPA for comment and review. The District's policy committee approved the plan, and it is now in front of city council for approval. Mr. Sanders stated he spoke with the director of the District, who stated the proposed plan is nearly the same as what was approved three years ago. Mr. Sanders said, under the proposed plan, for every ton of solid waste sent to the District, the city receives \$45/ton, net of fees. Those funds are then used to pay for the city's recycling program. Mr. Silvestri noted that he appreciated that this plan allows for better local control. Mr. Sanders agreed, stating if the plan is not ratified, then the Ohio EPA would take control of the District's operations. Mr. Ulbright noted the three counties have come close to meeting the goal for residential/commercial recycling and surpassed the goal for the industrial sector. Mr. Ulbright asked if the statistics were known from three years ago. Mr. Breneman stated that there was a significant increase in recycling when the city brought back recycling bins a few years ago. Mr. Cavin stated that his employer, Buehler's Milltown, has several large bins for residents to use for recycling.

Mr. Sanders 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. Sanders 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. 2014-44 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PAVEMENT REHABILITATION IN THE VICINITY OF BAUER ROAD AND INDUSTRIAL BOULEVARD (Ulbright)

Mr. Ulbright stated this proposed project is very similar to the work that was done on Melrose Drive. The street is to be ground down, chipped and sealed and then a covering will be applied over the chip and seal. Mr. Ulbright noted the Maintenance Department has made numerous trips to patch the deteriorated areas of these streets.

Mr. Ulbright 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).

3. First Reading – RESOLUTION NO. 2014-45 A RESOLUTION 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 SIDEWALKS AND CROSSWALK

IMPROVEMENTS ON NORTHWESTERN AVENUE AND BEECHWOOD
AND WESTRIDGE DRIVES (Ulbright)

Mr. Ulbright noted this project is part of the Safe Routes to School (SRTS) program for the Parkview Elementary School area. Mr. Ulbright said the total project cost is \$402,000, of which \$255,321 will be paid for by the SRTS program grant, \$124,350 will come from the City, and the remaining \$22,329 will be paid for with assessments to adjacent property owners. This legislation would allow the project to be bid and a contractor to be selected.

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

4. First Reading – RESOLUTION NO. 2014-46 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING OVERLOOK DRIVE (Sanders)

Mr. Sanders stated the section of waterline to be replaced is north of Bloomington Avenue. Approximately 340 linear feet of two-inch galvanized waterline will be replaced. This waterline has a history of breaks. Mr. Sanders also noted the project will include replacing five water services and one fire hydrant.

Mr. Sanders 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).

5. First Reading – RESOLUTION NO. 2014-47 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR CLEANING THE DETENTION BASIN ON OAKLEY ROAD (Sanders)

Mr. Sanders stated this project is phase one of a two-phase project to clean the sediment out of the detention basin and to replace the emergency overflow culverts. Mr. Sanders added this total project will restore the storage capacity and outlet structure, which will improve the downstream water quality and reduce the release rate during storm events. Ms. Knapic asked how often the city has to clean out this storm basin. Mr. Kobilarcsik said it has been awhile since it was done, and the city estimates approximately five feet of sediment has built up over time. Ms. Knapic asked if this detention basin had any effect on the flooding at the fairgrounds. Mr. Kobilarcsik said it does not. Mr. Myers stated he lives on the other side of the basin and does not believe anything has been done with it since 1993. Mr. Silvestri asked if the amount to be authorized by this legislation, \$100,000, was just to clean out the sediment or if it included the culvert work, too. Mr. Kobilarcsik replied this legislation was just to remove the sediment and did not include the phase-two work.

Mr. Sanders 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).

6. First Reading – RESOLUTION NO. 2014-48 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS (Ansel)

Mr. Ansel stated that the Wayne County Tax Incentive Review Council has submitted a written recommendation to continue the tax abatement for LuK USA, LLC (LuK). Mr. Ansel stated LuK has exceeded the goals originally set, and continues to thrive. Mr. Ansel also noted the agreement expires on December 31, 2014.

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

Mr. Ansel moved, seconded by Mr. Silvestri, 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. Sanders, to go into executive session to discuss (1) pending litigation, (2) land acquisition, and (3) labor negotiation. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Ulbright, 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. NEW BUSINESS (Continued)

7. First Reading – RESOLUTION NO. 2014-49 A RESOLUTION AUTHORIZING THE DIRECTOR OF LAW TO ENGAGE OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ODNR PERMIT ISSUES, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders stated the legislation is to retain the services of Frost Brown Todd, LLC for legal services related to a pending Ohio Department of Natural Resources (ODNR) Permit issued in Wooster to a company who has a permit to process frack water. Mr. Sanders stated the intent is to appeal the permit decision to ODNR until there are regulations on this sort of process.

Mr. Sanders 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; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Cavin stated that he applauds the decision to appeal the permit as it is too important an issue to leave to chance. Mr. Ulbright stated he was concerned ODNR had issued the permit without regulations in place, and believes it makes council's decision on this legislation an absolute necessity.

Mr. Sanders moved, seconded by Mr. Cavin, 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).

X. MISCELLANEOUS

Mr. Sanders asked administration for an update on the status of Christmas Run Park. Mr. Montgomery replied that when the city replaced a water line and had to move a piece of equipment, a beam crumbled and crews noticed an insect inside the beam. A sample was sent to the OARDC, and administration has not heard back as to what type of insect it is. Mr. Montgomery also stated the city had a structural engineer inspect the rest of the equipment to make sure it is safe. The city is awaiting the inspector's report.

XI. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 10:14 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council