

CITY COUNCIL MINUTES
August 20, 2012

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 by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ansel, to approve the July 2, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

Mr. Steiner moved, seconded by Mr. Silvestri, to approve the July 23, 2012 special council meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Two employees retired. Jim Uhler, Public Property Maintenance Manager, and Karen Horst, Office Manager at the Wooster Police Division. Mr. Uhler's position will be filled by Daryl Decker, formerly the Assistant Property Maintenance Manager, and Ms. Horst will be replaced by Megan Keener, former clerk typist at the WPD. Mayor Breneman thanked the retirees for their years of service and wished them all well. 2) A national company is considering Wooster for a potential location to build a new operation. Details will follow. 3) Ohio State University Board of Trustees will hold an open board meeting at the Shishler Center on the OARDC campus, Wednesday, August 29, 2012. 5) Mayor Breneman thanked council for all their time, efforts and feedback with regards to Ordinance #2012-66. 6) A status update on the Performance Audit is set for August 28, 2012, 10:00 a.m.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A notice was received from the Ohio Department of Liquor Control indicating the Hartley Company, 2958 Cleveland Road, applied for a new C1 liquor permit. Mr. Ansel moved, seconded by Ms. Knapic, not to request a hearing. Motion carried unanimously.

The following members of the audience spoke in regards to Ordinance #2012-66: Greg Gehris, 347 N. Grant; Doug Akins, 3697 Dornoch Drive; and Les Teichmer, 234 Miller Blvd.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A Finance Committee was held prior to the council meeting at 6:30 p.m. Mr. Ansel said he would defer discussion until Ordinance No. 2012-66 was addressed.

PUBLIC HEARING

Ms. Knapic, Chairman of the Laws and Ordinance Committee, opened the public hearing on the proposed amendments to City of Wooster's Zoning Code (Title One, General Provisions/Administration, Chapters 1105-1111 and Chapters 1115-1119; Title Three, Zoning District /Use Regulations, Chapters 1125-1143 and Chapters 1147-1149; Title Five, Regulations Applicable to All Districts, Chapters 1165, 1169, and 1171). Ms. Knapic explained the amendments in detail and distributed additional proposed amendments for Chapters 1133.07 and 1171.10. She noted the proposed amendments would apply to temporary political signs. Val Jesionek, Planning & Zoning Manager, further explained the proposed amendments and answered council's questions. Ms. Jesionek pointed out the changes to the temporary sign regulations were brought forth to help with enforcement issues and the city would be imposing a fee on temporary signs. Mr. Buytendyk felt there was an issue with imposing a cost on political signs as he did not think the city could regulate political signs. Law Director Dick Benson was not in attendance at the public hearing to confer with on this issue. Ms. Knapic said there will be more proposed Zoning Code amendments to come before council including extending the time frame for council to act on Planning Commission recommendations, from 60 days to 120 days. The following member of the audience spoke: Greg Gehris, 347 N. Grant. There being no further comments, the public hearing was closed.

PUBLIC HEARING

Mr. Ulbright, Chairman of the Public Infrastructure Committee, opened the public hearing to discuss the petition to vacate a portion of an unnamed public alley running in a north/south direction, on either side of Sloane Court and in between N. Buckeye and N. Market Streets. At the July 2, 2012 meeting, council tabled Ordinance No. 2012-18, the request to vacate Sloane Court. Mr. Ulbright said the two alley vacations coincide as the alleys intersect one another and he would leave Ordinance No. 2012-18 tabled to see what transpired with Ordinance No. 2012-23. At the June 18, 2012 meeting, Ordinance No. 2012-19, the request to vacate the unnamed north/south alley, was withdrawn as the petitioners re-submitted the petition in order to extend the alley vacation north to the next thru alley, including lots 505, 506, 507, 516, 517 and 518. Mr. Ulbright said the public hearing was for the new petition to extend the alley vacation of the unnamed north/south alley, Ordinance No. 2012-23. Mr. Ulbright said the petitioners felt by vacating a longer stretch of the unnamed alley it would be less obtrusive to the needs of the property owners north of the northern thru alley, particularly on the south side. Mr. Ulbright addressed council's questions and the following members of the audience spoke: Lukas Gaffey, 438 N. Buckeye Street. There being no further comments, the public hearing was closed.

VI. OLD BUSINESS

1. Third Reading - RESOLUTION NO. 2012-66 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO TO DEVELOP AND IMPLEMENT AN EDUCATION AND COMMUNICATION PROGRAM WITH INFORMATION DERIVED FROM THE COMMUNITY SURVEY, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this is one of the most critical and important issues to come before council. Many hours have been spent meeting with the administration, council, constituents, business and community leaders, regarding the importance of creating public awareness regarding deficit budgets in the future. After hearing the public comments at the beginning of meeting, Mr. Ansel said it was validated, the public is not aware of the cuts, wage freezes and many of the initiatives the city has proactively undertaken to control expenses, or the pending revenue generators that face the city if a future income tax increase is not secured, not to mention the state funding that is going to be eliminated. Mr. Ansel said the voters will be making the decision and therefore it is important they know the ramifications of their vote and understand the impact of the quality of life facing the city of Wooster. In order to have the best informed voters to make this important decision, Mr. Ansel said the city is seeking assistance in establishing the message. Mr. Ansel said the good part is, the original amount for this service was \$50,000, but after much consideration and discussion, the cost was reduced to \$25,000. He explained a community involvement program will be established, where the city will be able to receive donations and private funding to offset the projected expense of this initiative, reducing the projected cost by half. Mr. Ansel said any surplus funds received will be contributed toward the reduction of the city's initial cost of the survey.

Mayor Breneman explained public monies can be used to inform and educate the public about issues which will impact them, but it cannot be spent to campaign. Mayor Breneman said people need to understand the function of the city of Wooster and the services provided that impact the quality of life and realize for that function there is a 1% income tax which hasn't been changed in 42 years.

Mr. Buytendyk commented that in 2014 the city is going to have a \$3.5-\$4 million deficit without an income tax increase. The city is running at the lowest number of employees its had in a long time and cuts have to come somewhere. It can't be inventory as the city is a service oriented business, so the only cuts that can be made are from personnel, which means police, fire, service, administrative. The unions have stepped up to the plate, taking no wage increase for the next three years. Mr. Buytendyk added that Wooster is the only other town of its size in Ohio, other than Sandusky, that has a 1% income tax, and Sandusky is heavily funded by bed tax and entertainment tax from the Cedar Point Amusement Park. Furthermore, Mr. Buytendyk explained the city of Wooster only receives 6% of real estate taxes, therefore the income tax on wages earned from those working within the city of Wooster is the bread and butter of the city's funding and he feels the city has been very prudent with those tax dollars over the years. Mr. Buytendyk feels everything that can be done to prolong having to ask for more money has been taken and as long as people understand that if an income tax is not passed, then the things that make Wooster special will go away.

Mr. Ulbright encouraged citizens, such as audience members, to offer their input and get involved with this initiative. Mr. Doug Akins, who spoke in regard to this ordinance at the beginning of the meeting, responded saying the taxpayers rely on the city administration and council to make decisions on their behalf, and if it was a foregone conclusion that the voters were going to be asked for a ½ % tax increase, why would \$25,000 be spent to have a survey done? Mr. Ansel explained the process and the purpose of the survey and invited anyone interested to review the results of Part 1 and 2 of the survey. Mr. Ulbright said city administration and council could have moved forward with the income tax initiative without the survey, but they wanted the public's input. Mr. Silvestri said he wasn't behind the survey in the first place, but wanted to commend council and administration for their work with the amendment. He said while it is closer to something he could support, he would like in addition to see language that any kind of a political action committee would make an effort to reimburse the \$25,000.

Mr. Ansel moved, seconded by Ms. Knapic, to amend Ordinance No. 2012-66 at Section 2, "The cost of such contract will not exceed ~~\$50~~\$25,000.00". Upon roll call, motion carried 6-1 (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-no; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried 5-2 (Ansel-yes; Cavin-no; Knapic-yes; Sanders-yes; Silvestri-no; Steiner-yes and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-22 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PALM HOUSE APARTMENTS II, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel this is an exciting opportunity, to take a property in much needed repair and bring it back up to acceptable standards. Pete Schwiegeraht, representing Palm House Apartments II, explained the proposed \$3.9 million renovation of the 62 unit Palm House apartment facility located at 1183 Rebecca Street, which is an affordable housing development targeting low to severely low income families. Palm House Apartments II requested a 50% abatement for 12 years on the total project investment. Their application met all CRA criteria and was approved by the Wooster Growth Corporation, who forwarded it to city council for approval. The abatement request did not require the school board's approval. Mr. Schwiegeraht answered council's questions.

Mr. Ansel moved, seconded by Ms. Knapic, 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; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

2. First Reading - ORDINANCE NO. 2012-23 VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT) (Ulbright)

Mr. Ulbright said Ordinance No. 2012-18 was tabled on July 2, 2012, the vacation of Sloane Court, the east/west alley that intersects with the north/south unnamed alley. Mr. Ulbright said he would move Ordinance No. 2012-23 to third and final reading, and if passed, he would remove the vacation of Sloane Court from the table. Mr. Ulbright said there has been much discussion and public comment on this issue, including the public hearing held earlier in the meeting. There were no further comments.

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

Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried 6-1 (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-no).

3. Third Reading - ORDINANCE NO. 2012-18 VACATING SLOANE COURT IN THE CITY OF WOOSTER
(Ulbright)

Mr. Ulbright moved, seconded by Mr. Ansel, to remove from the table Ordinance No. 2012-18. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright said this is to vacate Sloane Court, the east/west alley that runs between N. Buckeye and N. Market Streets. He said now that the vacation of the unnamed north/south alley was approved, it makes sense to vote on vacating Sloane Court.

Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried 6-1 (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-no).

4. First Reading - ORDINANCE NO. 2012-24 AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)

Ms. Knapic said she would be proposing three amendments to Exhibit A of Ordinance No. 2012-24:

1) 1133.07 ACCESSORY USES ACCESSORY STRUCTURES; [*adding*] (c) ***Required and non-required parking spaces are permitted in a driveway as shown in Figure 2 under Section 1133.06(e)***;

2) 1171.02 APPLICATION OF SIGN REGULATIONS; The following signs and display are exempt from the regulations of this Chapter: [*adding*] ***political signage***

3) 1171.10 ADMINISTRATIVE PROVISIONS; [*adding*] Temporary (6 sq. ft. ***or less***)

Regarding 1171.02 Law Director Dick Benson asked if the proposal was to call out political signage in particular. Ms. Knapic explained there was discussion during the public hearing that case law prevented the city from regulating political signage. Under Section 1171.02 Application Of Sign Regulations certain signs and displays are exempt from the regulations and Ms. Knapic asked if the exemption of political signs could be added and included in the proposed amendment of Exhibit A. Mr. Benson said he was not prepared to give an opinion on something that has First Amendment implications. However, he did say that sign regulations must be content neutral, not distinguishing between language that is political in nature versus language that is commercial in nature. Mr. Benson said there is a long line of cases where cities have attempted to regulate political speech and have sign regulations struck down because that infringes on the First Amendment rights to express oneself. Ms. Knapic said that was understood but what was wanting to be done was exempt political signage from any sign regulation, which wouldn't be limiting their speech. Mr. Ulbright suggested amending the two printed amendments in front of council, 1133.07 and 1171.10, and wait to amend 1171.02 when additional amendments come before council at a future time, in order to give Mr. Benson a chance to prepare a legal opinion. With this being a political year, Ms. Knapic said that the city should not be strictly enforcing our temporary code sections with respect to political signage because she felt that could create problems. Mr. Ulbright asked if a time enforcement should also be added to the proposed amendment, for when political signs can go up and must go down. Ms. Knapic withdrew the amendment to 1171.02, pending Mr. Benson's advise on that issue. She grouped the other two amendments into one and moved to amend them into Exhibit A.

Ms. Knapic moved, seconded by Mr. Silvestri, to amend the proposed amendments to Ordinance No. 2012-24. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic 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; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

5. First Reading - RESOLUTION NO. 2012-71 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Ansel)

Mr. Ansel said this is the annual resolution accepting the rates and amounts as determined by the Wayne County Budget Commission for 2013, at the millage rates of 3.9% General Fund Property Tax, 0.3% Fire Pension Fund, 0.3% Police Pension Fund, for an aggregate of 4.5%.

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

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

6. First Reading - RESOLUTION NO. 2012-72 STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.03, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR TERRITORY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS, AND DECLARING AN EMERGENCY. (J. Douglas Drushal, Esq., Agent for Petitioners The Donald and Alice Noble Foundation, Inc., and LUK USA, LLC) (Knapic)

Ms. Knapic asked Petitioner Doug Drushal to address council regarding the annexation. He said this is strictly the preliminary resolution determining what services would be available to this site if it were to be annexed into the city. The property, formerly known as the First Farm, is 140 acres adjacent to Old Airport Road, which was acquired by the Noble Foundation. Mr. Drushal said the property lines were adjusted and part is owned by the Noble Foundation and part by LuK. He said he did not have any announcement as far as development, but said having water and sewer available to this property will make it attractive for industrial development. Ms. Knapic verified with city administration that there were no problems in providing these services.

Ms. Knapic moved, seconded by Mr. Ansel, 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; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

7. First Reading - RESOLUTION NO. 2012-73 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SPECIALIZED TECHNOLOGY; TO-WIT: TWO SERVERS FOR THE INFORMATION TECHNOLOGY DIVISION (Ansel)

Mr. Ansel said this is a budgeted item, to purchase two servers (\$15,888.00) to replace the three existing servers. One server will be installed in the City Hall server room and one will be installed at the Public Property Maintenance garage, in keeping with the disaster recovery plan. James Dodd, IT Manager, further explained that

the powerful servers will work hand-in-hand with the increased storage that was purchased earlier this year, to form the core component of the city's network, hosting the website, document file storage that all the departments use, etc. Mr. Dodd said the new servers will be supported by the software vendor, unlike the current servers which are not supported. Mr. Ansel noted it is a sole source purchase.

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

8. First Reading - RESOLUTION NO. 2012-74 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Steiner)

Mr. Steiner explained the fire division purchased uniforms prior to a purchase order being made. It is a budgeted item for a total cost of \$3,286.00. Fire Chief Eyler answered council's questions regarding the uniforms.

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

9. First Reading - RESOLUTION NO. 2012-75 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner said a FEMA grant was submitted through the Wayne County Emergency Management office for the purchase of an additional weather siren in the city of Wooster and upgrades to the monitoring system of the existing sirens. The city will pay the entire cost of the project (\$45,000) and then be reimbursed 50% of the total cost (\$22,500). Mr. Steiner said this system works in conjunction with the sirens recently installed by Wayne Township, which by agreement the city monitors, as some of those sirens can be heard in the city of Wooster. Mr. Steiner said this should give our city extremely good coverage and has been desired for quite some time. Fire Chief Eyler referred to maps attached to the resolution, showing the range the warning signals will encompass. He said research showed the city's current severe weather warning system did not have adequate coverage for people outside, in the case of inclement weather. Chief Eyler further explained the system and answered council's questions.

Mr. Steiner moved, seconded by Ms. Knapic, 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; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

10. First Reading - RESOLUTION NO. 2012-76 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO PURCHASE WATER, SEWER AND STORM SEWER REPAIR PARTS FOR THE PUBLIC PROPERTIES MAINTENANCE DIVISION (Ulbright)

Mr. Ulbright said this is to authorize the purchase of water, sewer and storm sewer repair parts from HD Supply of Ashland, Ohio. The supplies are for replacement or supplemental parts for product(s) or equipment owned by the City and are exempt from the competitive bidding requirement. Mr. Ulbright said with the city's aging infrastructure and reduced capital funding, the need for repairs has increased. In 2011 expenditures for these repairs were \$46,000 and thus far in 2012 expenditures total \$13,000. There is an additional \$37,000 budgeted for in 2012 and this request is to approve a \$50,000 limit.

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

11. First Reading - RESOLUTION NO. 2012-77 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO CONTRACT FOR THE TESTING AND CALIBRATION OF WATER METERS FOR THE UTILITIES DIVISION (Sanders)

Mr. Sanders said this resolution is to authorize the testing and calibration of water meters in order to diagnose leaks and ultimately re-capture lost revenue. Approximately 30% of water loss is unaccounted for, which is primarily attributed to water breaks/leaks in pipes and un-calibrated water meters. The city averaged approximately \$200,000 a year in lost revenue between 2008 and 2010. Mr. Sanders said the 60 largest meters in the city's system average almost 15 million gallons per month in recorded usage and therefore its important the meters are calibrated for accurate readings, as even a 10% loss in accuracy could result in significant lost revenue. Mr. Sanders said the estimated cost of this service is \$25,000 and is a sole source bid. City Engineer Joel Montgomery explained this contract is for large meter calibration testing and Resolution No. 2012-79 is for leak testing. He said the leak testing that was performed last year and this year was directly related to the additional repair/supply costs in Resolution No. 2012-76, as over 15 mainline leaks have been found this year. Mr. Montgomery said there will be a return on the investment and gave examples of cost savings from accurate meter readings. He said a future request coming before council will be to purchase large meters to replace meters that were installed over 10 years ago.

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

12. First Reading - RESOLUTION NO. 2012-78 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE WAYNE COUNTY COMMISSIONERS OFFICE (Ulbright)

Mr. Ulbright said this is to accept \$75,000 in grant funds from the Wayne County Commissioners office for the completion of phase 2 of a public parking lot and infrastructure behind the Merchants Block redevelopment, by surfacing, landscaping and constructing a public trash/recycling receptacle in the parking lot. The requested funds would also assist in completing the construction of additional public sidewalk along Walnut Street.

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

13. First Reading - RESOLUTION NO. 2012-79 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO CONTRACT FOR WATER LINE LEAK TESTING FOR THE PUBLIC PROPERTIES MAINTENANCE DIVISION (Sanders)

Mr. Sanders explained this is for the continuation of water line leak testing which is already occurring. The city traditionally has performed limited leak testing for less than \$15,000 per year, however in the last two years, more than 10 leaks were found in 2011 and more than 15 main line leaks in 2012, with an additional 7 service leaks. Its estimated that repairing these leaks has saved more than \$20,000 per year for the 2012 leaks alone. Mr. Sanders said we will quickly receive a return in investment on this cost.

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

14. First Reading - RESOLUTION NO. 2012-80 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT FOR THE PROVISION OF ELECTRONIC PAYMENT PROCESSING (Ansel)

Mr. Ansel explained the electronic payment processing service allows people to use their credit/debit cards or e-checks to pay their utility bills through the city's website, telephone or at the front desk. Collector Solutions is the third party electronic payment processor and all transactions are completed by them so the city does not have the controlled data at our risk. Mr. Ansel said its all transaction driven, the cost is 2.63% of each transaction and if there is no transaction, there is no cost. Last year \$5,100 in electronic payments were processed and approximately \$605,000 were processed the first half of this year.

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

15. First Reading - RESOLUTION NO. 2012-81 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE NORTH STREET RESURFACING PROJECT (PID 92624) (Ulbright)

Mr. Ulbright said this project is to resurface North Street between Bever and Beall. It is a budgeted item for 2013 and the total cost is \$40,700, 80% funded by ODOT (\$32,600) and 20% by local funds (\$8,100).

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

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

16. First Reading - RESOLUTION NO. 2012-82 AUTHORIZING THE DIRECTOR OF LAW TO EXTEND THE ENGAGEMENT OF OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ONGOING WASTEWATER TREATMENT PLANT ISSUES, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders explained outside counsel represents the city in enforcement matters related to the operation of the wastewater treatment plant. There are four primary parts: 1) Appeal of the 2007 NPDES permit; 2) Negotiations with an energy company relative to the potential for utilizing its resources at the WWTP; 3) Matters related to the implementation of plant upgrades necessitated by the recent findings and orders, and the related plant capacity evaluation completed by URS survey and 4) Evaluation of the feasibility of recovering costs associated with past upgrades performed at the WWTP. Mr. Sanders said the amount will not exceed \$60,000 for work done by the firm of Ice Miller, LLP who has been working with the city on this issue.

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

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

VIII. MISCELLANEOUS

Mr. Ulbright commented he felt council covered some very important areas and was very impressed with the contributions and responses made by everyone.

Mr. Sanders set a Public Utilities Committee meeting for Tuesday, September 4, 2012, at 6:30 p.m. in Council Chambers of City Hall, to discuss the URS evaluation report of the Water Pollution Control Plant.

Mr. Ansel congratulated Karen Horst and Jim Uhler for outstanding careers serving the city of Wooster and wished them success in their future endeavors, and wished good luck to Megan Keener and Daryl Decker for assuming

greater responsibilities. Also, Mr. Ansel said its positive having another interested manufacturing organization pursuing Wooster, especially in these highly competitive times.

Mr. Silvestri confirmed electronic payment processing is less expensive than in-house processing. Mr. Silvestri brought up items mentioned by citizens at the beginning of the meeting, regarding what some private colleges are doing across the nation and also cuts in terms city staff salary levels. He wanted to know if either of these items would be covered in the audit.

Ms. Knapic reiterated congratulations to Karen Horst and Jim Uhler on their retirements, and wished luck to Ms. Keener and Mr. Decker.

Mayor Breneman thanked the Wayne County Commissions for working with the city of Wooster on the Revolving Loan Fund Grant for the Merchants Block project.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Ansel to adjourn. Motion carried and meeting so adjourned at 10:40 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council