

CITY COUNCIL MINUTES
November 18, 2013

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, Craig Sanders, David Silvestri, Jeff Steiner, and Jon Ulbright.

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

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knapic, to approve the November 4, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman shared that city administration had been asked to work with the OARDC/OSU campus in working with their master plan during the past week. Part of this planning process related to the BioHio Research Park. The city has also involved people from the BioHio Research Park and the OARDC in the city's comprehensive plan.

Mr. Breneman stated that the 2014 budget document is on the agenda for council tonight and it is the most important piece of legislation that comes before council each year. Mr. Breneman wished to thank Mr. Dordea, the city Finance Department, and Mr. Montgomery for their hard work in preparing the budget document.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Mr. Buytendyk noted that council received notice from the Ohio Department of Commerce Division of Liquor Control stating that all liquor permits expire and are renewed on an annual basis. Mr. Buytendyk referred council members to Chief Fisher if they have questions regarding any locations that might be problematic.

The following members of the audience spoke: Richard Silver, 314 Kurtz St. (2013-36); April Gamble, 15 Salter Rd. (2013-36); Julie Pooler, 1814 Burbank Rd. (2013-36); Amyaz Moledina 1 Barberry Rd. (2013-36); Mary Beth Henthorne, 1727 Burbank Rd. (2013-36); Pam Goodell, 100 Salter Rd. (2013-36); Addison Goodell, 100 Salter Rd. (2013-36); Sally Miller, 109 N Walnut St. (2013-36); Paul Weinstein, 134 Reed Rd. (2013-36); Barb Tennant, 979 Oak Hill Rd. (2013-92); Jimmy Pooler, 1814 Burbank Rd. (2013-36); Joyce Burdno, 1913 Blair Blvd. (2013-36); Jeff Griffin, 245 Elm Dr. (2013-36); Linda Houston, 1823 Burbank Rd. (2013-36); Casey Hoy, 201 Holmes Blvd. (2013-36).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. To be removed from the table – **ORDINANCE NO. 2013-36 AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH A QUALIFIED VENDOR FOR THE CONSTRUCTION AND MAINTENANCE OF A COMMUNICATIONS TOWER AND RELATED FACILITIES ON CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY (Cavin)**

Mr. Cavin moved, seconded by Mr. Ansel, to remove Ordinance No. 2013-36 from the table. Upon roll call, motion to remove from the table carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Cavin moved to amend the title to read, in part, "related communications facilities" and paragraph four to read, in part, "such communications facilities." The motion was seconded by Ms. Knapic. Mr. Ulbright asked for clarification as to exact wording and for the purpose of the proposed amendment. Mr. Cavin read the last sentence of paragraph four to confirm the language and stated that he proposed the amendment based on the concerns raised

by the audience that the language was too vague. Upon roll call, motion to amend carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Cavin moved, seconded by Mr. Sanders, to adopt.

Mr. Buytendyk asked council members if there was any discussion. Mr. Ulbright stated that the most disturbing statements he heard during the evening were regarding trust and the improper emails that had been mentioned. He stated that he was also appalled by those emails. Mr. Ulbright stated that he believes the question of to build or not to build a communications tower is one about which people can agree or disagree. Mr. Ulbright said that this is the most controversial item that he can remember considering in his 24 years of service on city council. He stated that he wanted the audience to know that he had deliberated over his decision on this matter, as he believed all of his colleagues have done, and it is not something he takes lightly. Mr. Ulbright apologized in the event that he was one of those who had written something to which the audience members had taken offense. Mr. Ulbright stated that he would support the legislation tonight though he wanted to commend the audience for their hard work and organization. He said he believed that he was obligated to look to the good of the entire city and to make up his own mind to that end. Mr. Ulbright concluded by stating he would never support a police station at the Layton School property and would be hesitant to approve of a water tower at that location. He also expressed the hope that the community would look at a council member's entire body of work before determining whether he or she was worthy of the public trust.

Mr. Silvestri thanked everyone for attending the meeting and expressed his pleasure at seeing the due diligence and public participation in the process. He also thanked the city administration for the hard work that went into the research and information provided at the public meeting that he believes was prompted by the pointed questions posed by the community. Mr. Silvestri stated that, due to the ordinance language that referenced the demolition of the Winter Street water tower, he wanted to make sure he had and understood all of the data. Mr. Silvestri said that he wished to apologize that he had mistakenly compared the cost for the construction of a new tower in the north end of town (approximately \$4.9 million) to the repair cost of the Winter Street tower (approximately \$380,000.) Mr. Silvestri stated that the Wooster Community Hospital has pledged \$1.5 million to move the tower, with the understanding that to build a tower of comparable size would cost about \$2 million. Mr. Silvestri added that if one subtracts the amount needed to repair the current Winter Street tower from the cost of a brand new structure, then it is clear that the \$1.5 million dollars from the hospital would cover nearly 95% of the cost of a new tower. Mr. Silvestri emphasized that it would be inaccurate to compare a 1.5 million gallon tank in the north high water zone to a 330,000 gallon tank on Winter Street. Mr. Silvestri stated that the location and cost were the two most important factors in his decision-making process. Because the Layton School property has been determined to be the best location for the city's emergency services communications equipment, and because the city cannot put a communications tower at any other location without incurring a higher cost, Mr. Silvestri concluded that these were the deciding factors for his decision.

Mr. Ansel thanked the audience for their attendance, candor, and the challenges they posed to the legislation. Mr. Ansel continued to state that he believes the most controversial issue he has seen before council was the proposed closing of a portion of Gasche Street. He said that the proposal was made by the College of Wooster and city administration. In that case, council voted to oppose that initiative based on the facts of the situation. Mr. Ansel stated that council members are independent thinkers who look at the facts and he thanked Mr. Silvestri for clarifying the financial justification of this legislation. Mr. Ansel stated that council takes fiscal responsibility very seriously and that to suggest otherwise is unfounded. Mr. Ansel noted that he believes it is fiscally responsible to place a communications tower at the Layton School property as it will generate revenue, is cost neutral, and it will ensure city safety services and telemetry will be optimally placed. Mr. Ansel also noted the neighborhood impact and asked for the trust of the community in making further decisions regarding a water tower or police station on the property. Mr. Ansel added that when the city reaches capacity with the 1.5 million gallon tank to be built in the north high water zone, that council may need to look at the necessity of a water tower eight years or more into the future. Mr. Ansel thanked Mr. Cavin and Ms. Knapic for initiating the wording change that would remove any ambiguity from the legislation.

Mr. Buytendyk stated that he took umbrage to some of the audience's comments suggesting that council members were influenced by money, employer, or anyone else. Mr. Buytendyk went on to add that he believes council members to be independent-minded and that they speak and vote accordingly.

Mr. Ulbright stated that serving as a council member is not about money and that to be accused of having ulterior motives is disgusting to him.

Mr. Cavin added that deciding how to vote on this issue was not an easy task for any of the council members and that he does not make his decisions based on a desire to please or because he is concerned with re-election. Mr. Cavin stated that he made his decision based on what he thought was the right thing to do for all of the citizens of Wooster.

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

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2013-43 AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel announced that this legislation is the general fund and appropriation spending plan for the upcoming fiscal year. Mr. Ansel stated that Mr. Dordea provides the summary documents to council and then council will have work session meetings to discuss the details. He informed council that he would be communicating with tentative meeting dates. Mr. Ansel said there will be two break-out sessions: one will cover the enterprise funds and the other will cover the general fund. The first work session meeting will take place at 6:00 p.m. on Monday, December 2, 2013 just prior to the scheduled city council meeting. Mr. Ansel would like to have the second meeting during the second week of December. Mr. Ansel stated he would leave the legislation on first reading.

2. First Reading – ORDINANCE NO. 2013-44 AN ORDINANCE 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 stated that she would keep this legislation on first reading. This ordinance contains changes to the zoning code and she would like to give council a chance to study the changes and the public an opportunity to provide input during the public hearing on the proposed amendments on December 2nd at 7:30 p.m. during the council meeting.

3. First Reading – RESOLUTION NO. 2013-89 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES (Ansel)

Mr. Ansel stated that the city has had a cooperative agreement with the Wayne County Prosecutor's office since 1976. The city has a contract with the prosecutor's such that the prosecutor's office will prosecute violations of city ordinances and this is the fifth year in a row that the office has agreed to provide those services with no cost increase at \$60, 240.00. Mr. Ansel stated that he, Mr. Benson and the prosecuting attorney's office discussed the cost of the work that would be needed to duplicate the service provided by the prosecutor's office. They concluded it would require the city to hire an additional employee or to handle these cases internally, and it would likely cost roughly twice as much as the contract price with the prosecutor's office.

Mr. Ansel moved, seconded by Mr. Silvestri, 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).

4. First Reading – RESOLUTION NO. 2013-90 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH PATH MASTER OF TWINSBURG, OHIO FOR PURCHASE OF SUPPLIES AND MATERIALS FOR THE UPDATE AND/OR REPAIR OF ELEMENTS OF THE CITY'S EMERGENCY PREEMPTION SYSTEM (Ulbright)

Mr. Ulbright stated that the city needs to update the emergency preemption system. Mr. Ulbright explained that certain traffic signals are equipped to change traffic lights to direct traffic and also send a signal to the emergency vehicles that the system is working. Mr. Ulbright stated that, based on information provided by Daryl Decker, Public Properties Maintenance Division Manager, the city has 57 signaled intersections and 40 of those intersections either do not work, are missing pieces, or are not equipped at all. This legislation would allow the city to upgrade and/or repair 24 of those intersections. Mr. Decker added that his division investigated each of the 57 signal cabinets and noted what materials would be needed to repair each one. Mr. Decker said they investigated what it would cost to implement a newer GPS-based system that would only work with our city vehicles, and found it would cost more than \$1.5 million. The system currently in place operates from the sound of the sirens, so it works with any emergency vehicle. Mr. Decker added that the first intersections to be repaired would be in the primary corridors and work outward from those locations.

Mr. Ulbright 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).

5. First Reading – RESOLUTION NO. 2013-91 A RESOLUTION IN SUPPORT OF NEFCO'S ECONOMIC DEVELOPMENT PLANNING PROGRAM, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that the city has a long-standing relationship with the Northeast Ohio Four County Regional Planning and Development Organization (NEFCO), and that this resolution is to endorse our participation in the organization. Mr. Millea added that NEFCO assists the city in procuring grants and other development initiatives within the city. Mr. Sanders asked how much it costs to be a member of NEFCO. Mr. Millea replied that dues for 2013 were \$4,700.00 and added that the city received a \$75,000 grant for the OARDC BioHio Research Project that would not have been possible without help from NEFCO. The city was also able to secure approximately \$ 0.75 million for the Pouden Hall project also with assistance from NEFCO.

Mr. Ulbright added that he wished the audience members who left after council voted on a previous ordinance would have stayed to hear the discussion on this item as he believes it is a good example of the fiscal responsibility shown by the mayor's staff and council. Mr. Ulbright stated that city administration is constantly seeking grants to help fund city projects as well as working with organizations like NEFCO that result in a significant return on the investment. Mr. Ulbright also added that this membership allows the city to share with and learn from the other participatory entities.

Mr. Silvestri asked if city administration could provide an explanation as to why NEFCO is so uniquely positioned to submit the grant applications for the BioHio projects. Mayor Breneman responded that NEFCO is recognized by economic development agencies of the state and federal government. Regional organizations, like NEFCO, are needed to filter out projects from local agencies that will not meet the federal program criteria.

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

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).

6. First Reading – RESOLUTION NO. 2013-92 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER’S SWIMMING FACILITIES, AND DECLARING AN EMERGENCY (Cavin)

Mr. Cavin stated that this resolution is to allow the YMCA to provide administrative services for management of the city’s pools and spray ground. Mr. Cavin stated that he would like to give council time to ask any questions they might have regarding this legislation and, to that end, he intended to leave this resolution on first reading.

VIII. EXECUTIVE SESSION

Mr. Cavin moved, seconded by Ms. Knapic, to go into executive session to discuss litigation. 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. Ulbright, to reconvene from executive session. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

IX. MISCELLANEOUS

Mr. Ansel reminded council members that he would be conducting a Finance Committee meeting on Monday, December 2, 2013 at 6:00 p.m. in council chambers to discuss the enterprise funds budgets.

X. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 10:00 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council