

CITY COUNCIL MINUTES

April 2, 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, Craig Sanders, David Silvestri and Jon Ulbright. Barbara Knapic and Jeff Steiner were absent.

II. APPROVAL OF MINUTES

Mr. Ansel moved, seconded by Mr. Silvestri, to approve minutes of the March 19, 2012 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) The City of Wooster and Main Street Wooster received the 2011 National Accreditation Award from Heritage Ohio, for being at the forefront of historic downtown district revitalizations and for setting an example for communities across the nation. 2) Representatives from S & D Realty, Brasfond USA and Retail Rentals were in attendance for legislation regarding their CRA tax abatement requests. Mayor Breneman recognized each of them and offered his full support of their businesses staying and growing in Wooster. 3) The Regional Dispatch Implementation Group will hold a meeting on Wednesday, April 4, 2012, 7:00 p.m. in Council Chambers at City Hall.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC (none)

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ulbright reported on the Public Infrastructure Committee that was held at 6:30 p.m., prior to the council meeting on April 2, 2012, in council chambers of City Hall. There were three parts to the meeting; (1) Federal and State funded infrastructure projects for 2012-2017, for which a public hearing was required; (2) Safe Routes to School project update. ODOT verified that Safe Routes to School monies slated for Wayne Elementary, which will be closing, can be transferred to one of the other elementary schools, possibly Kean Elementary. Mr. Ulbright highlighted that assessments for these projects will be 10% as opposed to the normal 80%; and (3) Paving projects scheduled for 2012-2013.

Wooster City Council's Laws and Ordinance Committee met on Monday, March 26, 2012, at 5:30 p.m. in Council Chambers at City Hall. Mr. Silvestri briefed members on the topics discussed: (1) An amendment to the income tax ordinance, which resulted in Ordinance No. 2012-08; (2) Possible changes to the City of Wooster's aggressive animal ordinance, or the dog ordinance. The committee decided that until the issue was brought up from someone within the City of Wooster and was founded, there wouldn't be any changes made to the ordinance; and (3) Legislation addressing costs the city could incur for meth lab cleanups, as state funds are no longer available for this. The idea was discussed that property owners would be responsible for these costs. Dick Benson, Law Director, reported on a last minute update on the issue of clandestine meth labs. The DEA monies that had formerly been applied to this have been reauthorized by congress and the monies are now available to local governments for this purpose.

Mr. Buytendyk noted a public hearing is scheduled for April 16, 2012 at 6:45 p.m. in council chambers of City Hall to discuss the proposed amendment to the City of Wooster's Zoning Code §1149.03(c)(4), to permit the continued use of legal non-conforming residential dwellings that are destroyed beyond 50% of their replacement value.

VI. OLD BUSINESS

1. Second 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 intent is to create a public survey through a third party to identify and prioritize community services and also to develop a public awareness initiative, to inform voters of anticipated reductions associated with the city's negative cash balance and declining revenues. There was lengthy discussion at the last meeting and Mr. Ansel said the resolution would be kept on second reading and he urged council members to review The Impact Group's proposals. Mr. Silvestri made known his position, saying he could not support this resolution, as he feels the City of Wooster charges to provide not just services to the citizens, but also to understand how they are servicing the needs of the citizens, and he believes this falls under the day-to-day operations. As far as generating the survey, Mr. Silvestri feels the city administration is best suited for that task and suggested using the water bills as a venue for the survey. Mr. Ansel said city administration has requested council's support for this tool to make difficult decisions effectively and objectively. The Impact Group will generate a scientific survey which will be a basis for city administration to articulate their position before further cuts are made. Mr. Ulbright said the survey will be an effective tool for city council as well, but insisted that each council person will still exercise their individual judgment on what to do with the results, such as putting a tax increase on the ballot in the future. Mr. Ansel wanted everyone to be aware that the Voluntary Separation Plan was done without a survey and it cut \$2.3 million from the annual operating expenses, which was huge. But the city's deficit is between \$1.5-\$2 million and Mr. Ansel said it will be council's legislative responsibility to decide whether to go forward with a tax increase initiative, but if that fails, then the next phase of cuts will have to be made and they will be much more serious. The resolution remained on second reading.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-08 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)

Mr. Silvestri said as he mentioned earlier, this issue was discussed at the Laws and Ordinance Committee meeting last week. It is mandatory for taxpayers in the City of Wooster to file a return whether they owe anything or not, but in order to make the process more effective, it was recommended that the penalty for failing to file be made less severe. After reviewing the penalties contained in the municipal income tax code, the Director of Finance, in consultation with the Director of Law, recommended the following modifications to Section 1701.99(b), PENALTY, of Part 17, TAXATION CODE: (b) Whoever violates any of the provisions of Section 1701.12(a) shall, *on a first offense, be fined not more than one hundred dollars (\$100); and upon any subsequent offense, be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense.* The ordinance remained on first reading.

2. First Reading - ORDINANCE NO. 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. Buytendyk wanted to make it known that he has a potential conflict of interest in the following ordinances dealing with CRA tax incentives, in case there would be a tie vote and he would be required to vote.

Mr. Ansel explained that S&D Realty is in the process of renovating the South Market Grill, located at 234 South Market Street. Upgrades will include complete interior and exterior renovations to the building and a small addition onto the back of the building that will house a kitchen and ADA compliant restrooms. This downtown area has seen a plethora of investment to the commercial buildings over the last several years and Mr. Ansel said it is a beautiful corridor to the south entryway of Wooster on Market Street. S&D Realty is requesting 100% tax exemption incentives for 12 years, covering \$255,000.00 of real property improvements. The property tax value of the building is \$87,710 and property taxes are currently \$2,270, which will continue for 12 years with the 100% abatement. After the abatement expires, taxes will increase to \$8,825. Mr. Ansel said there is no impact other than Wooster will have a beautiful entertainment option in downtown Wooster. Mr. Silvestri said in the past he has received numerous complaints from residents in that area about noise and other disturbances, but hasn't received any lately. He looks forward to seeing the improvements and renovations to that business and hopes the peacefulness of the neighborhood continues. Susan Spector, President of S&D Realty, highlighted the many changes they have in store for this facility. The Wooster Growth Corporation approved recommendation of the S &

D Realty CRA application to City Council. Mr. Ansel wanted to share a comment made at that meeting by Chris Schmid, a member of the Wooster Growth Corporation, saying what better way to improve the entryway into Wooster with an initiative like this, because exterior facades and appearances are very, very important to the perception people form of the downtown. Mr. Ansel said this is going to be a very beautiful, commercial upgrade. The ordinance remained on first reading.

3. First Reading - ORDINANCE NO. 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 the extension of the CRA area incorporates the industrial complex on Akron Road up to Hawkins Market at Portage Road. The property Brasfond USA plans to locate is the last parcel Wooster Growths owns on the corner of Geyers Chapel Road. Mr. Ansel said the property is currently undeveloped and is yielding virtually no income to the City of Wooster. Brasfond USA Corporation, is a Brazilian based company who are recognized as a leader in applying the most modern and innovative technologies for all types of works within the Geotechnical Engineering. Founded in 2010 by Ray Farley, a native of Wooster, they've had continual worldwide growth and the parent company Brasfond is interested in establishing a more permanent presence in the Wooster area by opening a USA based research center for "ad hoc" engineering solutions. They currently lease a small office at 711 Winkler Drive, Suite A, Wooster and purchased the eight acre site from Wooster Growth Corporation at 1615 N. Geyers Chapel Road, where they plan to construct an 8,000 square foot building. They will retain two full time employees and hire two additional full time employees within the next year. Brasfond requested 50% tax exemption incentives for 10 years, covering \$700,000.00 of real property improvements. Property taxes are currently \$3,737; with the 50% abatement \$10,472 and after the 10 year abatement expires \$17,207. The Wooster Growth Corporation met and recommended approval of the Brasfond USA application to City Council. Ray Farley, Vice President, gave a background on Brasfond and elaborated on their operations. The ordinance remained on first reading.

4. First Reading - ORDINANCE NO. 2012-11 ORDINANCE NO. 2012-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH RETAIL RENTALS, LLC, DBA JUSTBASICSPTS, INC. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained JustBasicSports, Inc. is located at 1615 North Geyers Chapel Road. The property is owned and occupied by locally owned Retail Rentals, a national supplier of young female performance wear and accessories. They have been in operation at this location since 2006 and their overall sales have increased resulting in the need for additional warehousing space. The proposed project is to construct an 8,000 square foot warehousing building, attached to their current facility, along with the purchase of additional machinery and equipment needed for the operation. Six full time employees and one part time employee will be retained. JustBasicSports requested 50% tax exemption incentives for 10 years, covering \$382,000.00 of real property improvements. Property taxes are currently \$15,486; with the 50% abatement \$19,134; and after the abatement expires \$22,784. Bob Gorman, representing JustBasicSports, shared additional information about the company's operation. The Wooster Growth Corporation recommended approval of the JustBasicSports application to City Council. The ordinance remained on first reading.

5. First Reading - ORDINANCE NO. 2012-12 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)

Mr. Silvestri explained this action is part of the ancillary effects from the vacancy of the Public Utilities Manager position. The amendment adds the Utilities Supervisor position as a classified position under Section 162.09, Management Positions, of the Codified Ordinances. The amendment will allow existing personnel to assume supervisory roles, as needed, within the Utilities Division and will result in a net savings to the division of approximately \$24,000 a year. Law Director Dick Benson explained that upon the resignation of Utilities Manager Jim Borton, Assistant Utilities Manager Kevin Givins was promoted to fill that position. The plan is to leave the

Assistant Utilities Manager position vacant and promote the two current chief plant operators 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. The ordinance remained on first reading.

6. First Reading - RESOLUTION NO. 2012-40 AUTHORIZING THE FIRE CHIEF TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF DIRECT DIESEL EXHAUST SYSTEMS FOR THE FIRE DIVISION (Steiner)

Mr. Cavin introduced the resolution. In 2011 the Wooster Fire Division applied for and received a grant from the Department of Homeland Security to install a direct diesel exhaust system at both fire station #1 and fire station #2. The grant awarded is a 90% to 10% match between FEMA and the City of Wooster. Estimated total cost is \$75,000 to \$85,000, of which the city will pay 10%. City Council approved accepting the funds for this project on January 3, 2012 in Resolution 2012-02. At this time the Fire Division is requesting authorization to advertise and proceed with the bidding process for the purchase of the direct diesel exhaust system. Operating funds that have been budgeted for this project will be transferred into the capital ledger. Fire Chief Rob Eyler answered questions and further explained the purpose of the diesel exhaust system.

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

7. First Reading - RESOLUTION NO. 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. The resolution remained on first reading.

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

Mr. Ulbright explained Phase 1 of the Akron Road 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. 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. All of the construction engineering (\$278,000) will be performed in-house by the engineering division staff and reimbursed. The resolution remained on first reading.

9. First Reading - RESOLUTION NO. 2012-43 AUTHORIZING THE MAYOR TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH BOYLAN & CANNON ELECTRONICS, INC. OF AKRON, OHIO FOR MAINTENANCE SERVICES FOR CITY-OWNED TWO-WAY RADIOS (Ansel)

Mr. Ansel said the city owns and operates numerous two-way radios to facilitate the operations of the city services and they require an annual maintenance agreement. After reviewing proposals from three potential vendors, the fire chief has recommended renewing the contract with the incumbent vendor, Boylan & Cannon Electronics, who submitted the lowest bid at \$14,812 per year, which is 20% below the prior year's agreement. This contract will be a two year renewal of the current contract with a savings of \$2,400 a year.

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

10. First Reading - RESOLUTION NO. 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 the city had significant fines and penalties from the Ohio Environmental Protection Agency regarding the operation of our Waste Water Treatment facility. Through professional and legal services, we recently entered into a settlement agreement resolving the enforcement action and mitigated these penalties down to a very reasonable warning penalty of \$10,000 payable from the Water Pollution Control Fund. Mr. Ansel said we will now focus on improving operations and staying within compliance perimeters for the safe operation of our Water Pollution Control facility. The resolution remained on first reading.

VIII. MISCELLANEOUS

Mr. Ansel said the City of Wooster is so fortunate to have three business enterprises expanding their operations in Wooster, which continues the momentum established for our economic growth. He also distributed a copy of an article he received from Crains Cleveland regarding legislators joining efforts for uniform municipal taxes.

Mr. Ulbright thanked City Engineer Joel Montgomery for the excellent agenda he put together for the Public Infrastructure Committee meeting and the discussion held. The good news is the city is benefiting from a 10% assessment thanks to the Safe Routes to School project and Mr. Ulbright feels when its all finished, the neighbors, even those who questioned it, will appreciate the results.

Mr. Buytendyk said that if there are questions regarding the remaining items left on the agenda, to try and get them answered by the next council meeting, as there will be a public hearing prior to that meeting and it could be a lengthy council meeting. Also, Mr. Buytendyk praised City Engineer Joel Montgomery and his staff, saying they are second to none and do an excellent job.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Silvestri to adjourn. Motion carried and meeting so adjourned at 8:55 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council