

CITY COUNCIL MINUTES

April 7, 2008

7:30 p.m.

I. ROLL CALL & ORDERING OF AGENDA

President Jeff Griffin 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, Mike Buytendyk, Jeff Griffin, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright. Mr. Griffin asked everyone to rise and join in the Pledge of Allegiance.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Silvestri, to approve the minutes of the March 17, 2008 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

There were no petitions.

The following member of the audience spoke: Bob Cline, 2385 Tatum Lane (sidewalks).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A Finance Committee meeting was held April 7, 2008 at 6:00 p.m. in council chambers. Mr. Ansel reported that Justin Starlin gave a brief overview of the Westerman Company's Enterprise Zone tax abatement request.

The Public Utilities Committee met at 6:30 p.m. on April 7, 2008 in council chambers. Mr. Silvestri reported that Jim Borton, manager of the Utilities Division, gave a brief presentation of the \$21 million Water Pollution Control Plant renovations project. They went into executive session from 7:00 to 7:30 to discuss pending litigation.

VI. OLD BUSINESS – There was no old business.

VII. NEW BUSINESS

1. Informal Resolution - INFORMAL RESOLUTION TO HONOR THE LIFE AND ACHIEVEMENTS OF DR. VIOLA "VI" STARTZMAN ROBERTSON

Mr. Steiner introduced the informal resolution by highlighting the many achievements of Dr. Startzman, who was the first pediatrician in the city and the founder of the Viola Startzman Free Clinic. He said it is an honor to have her as member of our community. Mr. Steiner moved, seconded by Mr. Ulbright to adopt and motion carried unanimously by voice vote. Mayor Breneman expressed gratitude to Dr. Startzman for an extraordinary health care facility in Wooster and appreciation for everything she has done for the community. Dr. Startzman thanked everyone for their help throughout the years and indicated this resolution and the many honors she has received belong to the people who have helped her and volunteered their time. Mr. Silvestri too thanked Dr. Startzman for her many contributions to the community and elsewhere. She was given a standing ovation.

2. First Reading - ORDINANCE NO. 2008-09 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated funds needed to be transferred for the purpose of replacing certain decorative lights in the downtown area. This is a budgeted item of \$55,000 and will involve the replacement of lamps, lamp modules, fixtures and tub for in-ground lighting. The funds will be transferred from the General Fund to the Capital Improvements Fund. Mr. Ansel moved, seconded by Mr. Schuch, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

3. First Reading - ORDINANCE NO. 2008-10 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH WESTERMAN, INC. FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this is another exciting business expansion for the city of Wooster. Westerman Companies presently has a 75% 10-year Enterprise Zone abatement on their existing facility located at 899 Venture Blvd. Due to an increase in the oil and gas industry, Westerman Companies plan to expand, doubling their growth capacity, by constructing a \$3 million, 39,000 sq. ft. building. They are requesting the original EZ agreement be amended to include this new construction project. Mr. Ansel noted one of the most exciting parts of this proposed expansion is the increase of full time employees. The original agreement retained 44 full time employees and the creation of 10 jobs, though to date they employ in excess of 90 at their Wooster facility. Under the new agreement a total of 79 full-time employees will be retained with the creation of 10 additional full-time jobs. This proposed amendment has been approved by both the Wooster Growth Corporation and Wooster School Board. Mr. Ansel further noted that the Westerman Company is a century old company that specializes in the manufacturing of fabricated metal products for the oil and gas industry for global distribution. This proposed 75% 10-year tax abatement will generate approximately \$525,000 to the Westerman Companies and the city will derive approximately \$175,000 of additional revenues with this proposed modification. This request adheres to the guidelines of the expedited EZ agreement that the laws and ordinance committee adopted last year. The first phase would run through 2016 and the second phase through 2018. This was a competitive situation as the company was looking at two other locations to expand. Mr. Ansel also highlighted the benefit package being offered to their employees. Mr. Ulbright, Mr. Silvestri and Mr. Buytendyk expressed their approval and support of this project. Mr. Ansel 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

4. First Reading - ORDINANCE NO. 2008-11 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk noted the number on the ordinance needed to be changed from No. 11 to No. 2008-11. He explained this ordinance is a housekeeping detail to update changes to the City of Wooster Codified Ordinances due to changes in Ohio Revised Code traffic laws and definitions and the general offenses code. Mr. Buytendyk moved, seconded by Silvestri to amend Ordinance No. 11 to read Ordinance No. 2008-11 and the motion carried unanimously by voice vote. Mr. Buytendyk moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Buytendyk moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

5. First Reading - RESOLUTION NO. 2008-42 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH AEROMARK, INC. OF STREETSBORO, OHIO FOR PAVEMENT MARKINGS OF CITY STREETS, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated due to the cost of this request falling between \$15,000 and \$25,000, it does not require competitive bidding. Therefore this is for a sole contract with Aeromark, Inc. of Streetsboro, Ohio and is to be paid from the Street Construction, Maintenance and Repair Fund. The total cost is approximately \$20,650 and is a budgeted item. 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; Schuch-yes; Silvestri-yes; Steiner-

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

6. First Reading - RESOLUTION NO. 2008-43 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING RESIDENTIAL COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE AND RECYCLABLES, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated the city's refuse and recycling contract is due to expire in June 2008, which was a 3-year contract, with a 2-year extension option. Mr. Silvestri moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Silvestri moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright had questions regarding bid specifications and costs increases. Mr. Sigg explained possible changes to the new contract, such as single day pickup, fuel cost adjustments and promoting increased recycling. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

7. First Reading - RESOLUTION NO. 2008-44 AUTHORIZING PAYMENT TO THE PUBLIC ENTITY RISK SERVICES OF OHIO FOR SETTLEMENT OF A CLAIM AGAINST THE CITY, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated in 2007 there was an accident involving a city employee who was operating a city owned vehicle, backing down an icy incline during the winter and struck a pedestrian which resulted in injuries. Mr. Ansel questioned why this incident was not covered under Workers Compensation and Mr. Benson explained that the claimant does have a Workers Comp claim against his employer, but that does not insulate the city against a separate claim for the negligence of the city driver. He also mentioned that the Bureau of Workers Compensation did subrogate for a portion of the settlement. Mr. Ansel noted the city's maximum exposure is \$25,000 deductible and anything above that will be paid by PERSO, the city's public entity insurance provider. 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; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Mr. Steiner asked the likelihood of the city's rates increasing due to this claim. Mayor Breneman did not think there would be a significant effect on the rates, but will look into that. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

8. First Reading - RESOLUTION NO. 2008-45 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PURCHASING ROAD SALT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright commented that this is a competitive bid and is to be paid from the Street Construction, Maintenance and Repair Fund and State Highway Fund. The estimated cost is \$230,670 and is a budgeted item. This winter there was a salt shortage and Mr. Ulbright assumed next year the amount of salt purchased would be increased. He also questioned if we have looked elsewhere for a salt supply so we do not run into the same situation as this year. Mr. Sigg stated in addition to competitive bidding, they will also look at the Northeast Ohio Purchasing Consortium, but basically all the salt comes from under Lake Erie, whose mines ran short on salt this year. 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; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

9. First Reading - RESOLUTION NO. 2008-46 AMENDING RESOLUTION NO. 2002-31 BY INCREASING THE AMOUNT OF THE CONTRACT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated the resolution is to authorize extending a contract with ATS for startup services, training, Operations and Maintenance Manual development, one year certification services and extended construction engineering/SCADA development. Mr. Silvestri wanted to make clear that this work was previously authorized by Resolution 2007-44, but the funds were not authorized with it and Resolution No. 2008-46 does contain the funding amount. Mr. Silvestri moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Silvestri moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

10. First Reading - RESOLUTION NO. 2008-47 AMENDING RESOLUTION NOS. 2005-34 BY INCREASING THE AMOUNT OF THE CONTRACT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this matter was discussed at the Public Utilities Committee meeting held prior to the council meeting. There was also an executive session held due to pending or threatened litigation in reference to this. Mr. Silvestri noted a number of good things have come from this in terms of upgrades at the Water Pollution Control Plant, such as replacement of pipes which captured approximately 40,000 gallons of lost water each day, better lighting, along with the other planned upgrades. Mr. Silvestri moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Silvestri moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

VIII. MISCELLANEOUS

Mr. Griffin reminded council members to file their Financial Disclosure Statements with the Ohio Ethics Commission. Also, on April 21, 2008 at 7:00 p.m. the Ohio Vietnam Veterans Memorial Fund representatives will be here to discuss the memorial they are erecting and the city's possible participation. Mr. Griffin also advised council members that Mr. Ken Cochran of the Secrest Arboretum has invited city council members to tour the arboretum on May 19, 2008 at 6:00 p.m., prior to the city council meeting.

Mr. Silvestri noted he has seen an increase in the amount of litter violations within the city and will be looking into addressing this issue.

Mr. Ulbright requested a meeting of the Infrastructure Committee be held on April 28, 2008 at 5:00 p.m. to discuss future sidewalk projects and the issue of parking on tree lawns. In addition to the committee, he would like Mayor Breneman, Mr. Silvestri and Mr. Topovski, members of the previous Infrastructure Committee, to attend the meeting, along with Joel Montgomery, Dick Benson and Dave Kocevar, of Wooster City Schools.

Mr. Buytendyk reminded everyone of the Public Hearing set for May 5, 2008 at 7:00 p.m. to discuss a change in the zoning code relating to sexually oriented businesses.

IX. ADJOURNMENT

Mr. Silvestri moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:40 p.m.

Jeffrey M. Griffin
President of Council

Cheryl K. Collins
Clerk of Council