

**CITY COUNCIL MINUTES**  
**August 16, 2010**

**I. ROLL CALL & ORDERING OF AGENDA**

Acting President David Silvestri 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, Mike Buytendyk, Mark Cavin, Barbara Knapic, David Silvestri and Jeff Steiner. Jon Ulbright was absent.

**II. APPROVAL OF MINUTES**

Mr. Steiner moved, seconded by Mr. Buytendyk, to approve minutes of the July 6, 2010 meeting. Upon voice vote, motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman, updated council on various activities in the city: 1) Reed Road waterline break; 2) Voluntary Separation Plan ended on July 23, 2010 with 24 employees choosing to take advantage of it. The VSP was a success as the city's budget will be brought back into line for 2011. The mayor thanked those 24 employees for their dedication and years of service to the city. He noted a few expertise positions may need to be filled from the outside such as director of administration and human resources manager and also operator positions at the water plants where licensing is required. Administration is working on a reorganization plan which they hope to present to council at the next meeting. 3) Commended the police and fire divisions for handling a difficult situation involving the Baker family deaths and their orphaned children. 4) The city has applied for several grants but the results are not yet known. Competition for these grants is much stronger this year. 5) Resolution #2010-69 did not have an explanation sheet attached to it due to some adjustments the mayor wanted to make. Council received the edited version and the mayor pointed out that the funds are not budgeted at this time and will need to be in the future. The project could potentially be a huge savings to the city depending on the results of the feasibility study, but before that can happen, Wooster Renewable Energy needs to submit a grant application to the state by August 17, 2010 which requires the city's commitment. The mayor stressed the city will not move forward with this unless its advantageous for the city to do so.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

Following member of the audience spoke: Greg Gehris, 347 N. Grant (College of Wooster property taxes).

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Buytendyk opened the public hearing regarding the proposed rezoning of 31.77 acres from an R-1 (Suburban Single Family) District to a PDOD (Planned Development Overlay District) for property located between Vinton Woods and Woodcrest Drive (Tartan Ridge). He explained this matter went before Planning Commission with a split vote, 3 in favor and 3 against the rezoning. The petition is now being brought before council for their consideration. Mr. Buytendyk said the intent of the project is to create a gated community with a private street.

Attorney Doug Drushal made a presentation on behalf of his clients, MBS Real Estate LLC, property owner and Sommer-Swartzentruber Contractors, developer, who are proposing a development with a private street. Mr. Drushal stated the city code allows for private streets in three circumstances and one is a PDOD which is a rezoning for a specific plan. This plan restricts the developer to only do what is exactly approved by city council. Any changes to this plan would have to come back before city council. Mr. Drushal stressed the private street would be in full compliance with the city code and the only real issue at hand is the gated community aspect. He explained there is no other development such as this in Wooster and it will attract people who prefer this type of an environment and the city will not have to maintain the private street. Mr. Drushal said the only opposition raised by the city staff to the private street is they feel every street that can be connected to any other street should be connected. Mr. Drushal claimed there is no law in the city code that supports that concept, including in the city thoroughfare plan, part of the city's comprehensive plan. As to access, he indicated there is no issue as residents on Lemar and Woodcrest currently have two ways out and with the private street they will have a third way out because emergency access will be permitted through the gates. He said residents on both sides of the proposed development will be better off than they are now. Vinton Woods residents are virtually unanimous in favor of this proposal as a private street with gates would keep their street from becoming too heavily traveled. Mr. Drushal indicated the Woodcrest and Lemar area residents have not spoken against the private streets and gates, but only to their concern of the water runoff problem which they currently face. He stated the private street has nothing to do with that and whether public or private, the street will have to meet codes and will be built in

such a way as to not exacerbate any water runoff problems and may possibly improve the situation. Mr. Drushal said another concern of the neighbors was clearing of the trees in the area. He indicated the developer plans to sell wooded lots so the tree clearing will be minimal, but even so, whether the street is private or public or has gates on each end or not, this will have zero impact on the amount of trees that will be cut down. Mr. Drushal said both the police and fire departments and the city school district have indicated they do not have a problem with this development. Mr. Drushal again said the issue is with the gates. He said the city code clearly says private streets are acceptable and all the gate does is enforce that process. He distributed a summary of a study done on gated community enhanced property values. In final, Mr. Drushal said the plan complies with all the PDOD rules. He said the development will be beautiful, save the city money, do what the overwhelming majority of people in the area wants, does what the property owner wants, will benefit the city by attracting good home owners, increase property tax revenues and possibly draw out of town executives whereby increasing income tax revenue. Mr. Drushal said if council had any questions, he would be happy to talk with them.

Jeremiah Swartzentruber, representing Sommer-Swartzentruber Contractors, gave background information on their company and the project. He stated they propose to develop 31 wooded acres on a hillside full of winding ravines and outlooks in a gated community consisting of 45 wooded building sites called Tartan Ridge. They realized there was much interest in this type of quiet and peaceful setting which is why they went about finding a location for this type of development. He distributed a rendering of the east entrance and also a similar type home that will be built there. Mr. Swartzentruber said the gate will be motorized, sliding horizontally with battery back up due to power failure and a hand crank as a last resort. A knox box will be provided for fire and police emergencies. Residents of the development will have bar codes on their vehicles to operate the gate and guests of residents will have a punch code to gain access. The developer met with police, fire and school transportation departments, none of which have any issues with the proposal. Mr. Swartzentruber explained the reasons they would like to have the development gated is it would give the City of Wooster a market it currently does not have, it will offer a private setting within city limits with all the city's amenities and will increase property values.

David Tugend, 2761 Vinton Woods, represented the 17 homeowners at Vinton Woods. He said the vast majority are very much in favor of the gated community of Tartan Ridge for two main reasons. They do not want their street to become a shortcut between Akron Road and Highland Park which would cause safety issues for children living in proximity to sharp turns on their road. The gate would prevent thru traffic and would also create slower moving traffic of Tartan Ridge residents in order to operate the gate. A gated community in the City of Wooster is a unique and highly marketable opportunity which would differentiate Wooster from other towns in the surrounding area.

David Battershell, 2739 Vinton Woods, expressed similar sentiments in regards to the gate. He also believes gated areas offer tremendous advantages such as security and property values to residents as well as to the city.

Greg Gehris, 347 N. Grant, spoke against the gated community as it would produce elitism.

Keith Topovski, 1699 Lemar, stated at the Planning Commission meeting, the Woodcrest Drive area residents expressed their discontent with the proposed gated community. None of them were in attendance at the council meeting due to the fact meeting notices were not sent out. He also countered Mr. Drushal's statement that the city would benefit from out of town executives moving into the gated community. Current legislation gives those living in the City of Wooster but working outside the municipality a tax credit. They do not have to pay City of Wooster income tax. Therefore that is not a benefit to the city unless that legislation is changed.

Mr. Buytendyk stated that due to meeting notices not being sent to the surrounding residents of the proposed rezoning, he asked that the public hearing be reconvened on September 7th, 2010 at 7:30 p.m. He directed the Clerk of Council to immediately send a meeting notice to adjoining property owners to allow for the 20 day public hearing notification. Mr. Buytendyk also stated this continuance would allow for a second reading of the ordinance and comply with the Codified Ordinances, with respect to rezoning, which says council shall make a decision following the conclusion of the public hearing. The public hearing was closed.

## **VI. OLD BUSINESS (none)**

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2010-20 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A PDOD (PLANNED DEVELOPMENT OVERLAY) DISTRICT FOR PROPERTY LOCATED BETWEEN VINTON WOODS DRIVE AND WOODCREST DRIVE (TARTAN RIDGE) (Buytendyk)

Mr. Buytendyk stated this would be the first reading of the request to rezone this property from an R-1 (Suburban Single Family) District to a PDOD (Planned Development Overlay District). Numerous comments were heard from people in the audience. Ms. Knapic stated that prior to the meeting council members received a four page memorandum concerning the rezoning request from Mike Sigg, Director of Administration. The memo addresses several legislative issues and Ms. Knapic indicated she will review it at a later date and wished it would have been received sooner. Ms. Knapic read a statement explaining why the rezoning project was of interest and concern to her (statement attached to minutes).

Mr. Ansel indicated the city provides tax reductions to investors, entrepreneurs and business entities. This developer is willing to make a significant investment in the City of Wooster and is not asking for any type of abatements or relief in developing a piece of property that has remained undeveloped due to erosion and runoff problems. Mr. Ansel gave a conservative summation of the financial components of the development: 45 homes built at a median value of \$400,000, totaling an investment of \$18 million in property values, would generate \$239,725.90 to the Wooster City Schools, \$32,390 to Wayne County, \$42,187 to the City of Wooster, \$16,238 to Wayne County Joint Vocational School and \$7,500 to the Wayne County Library/Mental Health Association. Once the project is complete the total revenue impact for the City of Wooster would be approximately \$337,994 and that is a conservative estimate. Mr. Ansel stated this is not a clear case as the comprehensive plan does not say no gated communities or no private streets. He said the memo council received from Mr. Sigg interprets certain segments and provisions within the zoning plan, offering a compelling argument, but it is certainly not a black and white type of decision. Mr. Ansel feels that is unfortunate and wished the Planning Commission would have taken the responsibility to make a final recommendation to council versus deferring up in the management hierarchy.

Mr. Silvestri said he appreciated that the memo brought out some of the concerns from the city engineer and city planner. Mayor Breneman stated he had just received a draft copy of the memo himself. He indicated Mr. Sigg's interpretation was from the planning and zoning aspect of the city. The Mayor asked council to review the memo, as would he, and it could be further discussed at the next meeting. He urged council to directly contact city administration if they wished to discuss the memo. There were no further comments and the ordinance remained on first reading.

2. First Reading - ORDINANCE NO. 2010-21 PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$2,865,000 FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, AND THE CITY'S PORTION OF THE COST OF IMPROVING BEALL AVENUE FROM LIBERTY STREET TO BLOOMINGTON AVENUE BY GRADING, DRAINING, WIDENING, PAVING, CONSTRUCTING AND REHABILITATING SIDEWALKS, DRIVEWAY APPROACHES, CURBS AND RAMPS, INCLUDING PROVISION OF DECORATIVE STREET AND SIDEWALK DESIGNS AND MATERIALS AND APPURTENANT STREET AND SIDEWALK FURNISHINGS, INSTALLING WALKWAY STYLE LIGHTING FACILITIES AND NECESSARY APPURTENANCES THERETO, INCLUDING THE INSTALLATION OF UNDERGROUND WIRING, RELOCATING OVERHEAD CABLES, WIRES, AND APPURTENANT EQUIPMENT UNDERGROUND, CONSTRUCTING STORM SEWERS, SANITARY SEWERS, WATER MAINS, SERVICE CONNECTIONS AND UTILITY MODIFICATIONS AND INSTALLING AND RELOCATING CATCH BASINS, MANHOLES AND HYDRANTS, AS REQUIRED, CONSTRUCTING RETAINING WALLS, PLANTING SHADE TREES AND PROVIDING RELATED LANDSCAPING, AND INSTALLING STREET AND TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES, ALL IN CERTAIN DESIGNATED LOCATIONS, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this legislation is the final step in closing the Beall Avenue reconstruction project and it is to secure long term financing for a term of 20 years at an approximate rate of 4%. The city has been issuing anticipation bond notes (BAN) since 2006 to fund the incremental development and the progress of the project. The final note was issued in April anticipating permanent bond financing in the late Summer or Fall. Mr. Ansel gave a project breakdown of the financing: State and Federal grants 18%; College of Wooster 32%; property assessments 16%, water department fund 7%, sanitary sewer fund 3%, street fund 9%, city's cash outlay 15%, for a total of 100% of the project completion. The original projected cost was \$11.4 million, the actual cost was approximately \$10.8 million, bringing the cost 5% under the estimated projections, which equates to \$600,000 savings. Mr. Ansel gave credit to the College of Wooster whose total contribution to the project was \$4.3 million. Mr. Ansel feels this project was an overwhelming success. Being there is a sense of urgency to lock into a rate, Mr. Ansel stated he would move the legislation along if there weren't any compelling arguments. He further highlighted points in the ordinance of particular relevance and noted the attached Fiscal Officers Certificate. Mr. Buytendyk said the city is providing the funding mechanism and the funds will be recouped through property assessments. Mr. Ansel indicated the 16% property assessments come from College of Wooster 8% and private residences 8%. Mr. Dordea added that the bond will be competitively bid.

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

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

3. First Reading -

ORDINANCE NO. 2010-22 PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$2,535,000 FOR THE PURPOSE OF PAYING COSTS OF THE REFUNDING ON JUNE 1, 2009 OF ALL OF THE CITY'S WATERWORKS SYSTEM IMPROVEMENT BONDS, SERIES 1996, WHICH WERE ISSUED FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF IMPROVING THE MUNICIPAL WATERWORKS SYSTEM BY CONSTRUCTING, EQUIPPING AND FURNISHING A NEW WATER TREATMENT PLANT AND IMPROVING THE SITE THEREOF, INSTALLING PIPES, VALVES AND PUMPS, AND OTHERWISE IMPROVING THE SAME, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this is an opportunistic initiative, similar to refinancing a home mortgage for a lower interest rate, the city is able to do that with bond funding. This legislation is to refinance the city's 1996 water bonds, which totaled \$9 million originally, for the purpose of constructing the new water plant. The city is not adding to the principal amount which is currently \$2.53 million, an approximate \$7 million debt reduction. The financing will be for 20 years. Mr. Ansel referenced several points in the ordinance addressing the scope of the bond funding, the amortization schedule and the Fiscal Officers Certificate authorizing the validity of the document. Mr. Dordea indicated the current bond rate is 5.35% and the new rate will be approximately 4%. He further explained the overall cost savings to the city.

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

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

4. First Reading -

ORDINANCE NO. 2010-23 PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$2,695,000 FOR THE PURPOSE OF PAYING COSTS OF REFUNDING ALL OF THE CITY'S VARIOUS PURPOSE BONDS, SERIES 2003, DATED AS OF AUGUST 1, 2003 AND MATURING AFTER DECEMBER 1, 2010, WHICH WERE ISSUED FOR THE PURPOSE OF RENOVATING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING THE MUNICIPAL BUILDING, IMPROVING THE MUNICIPAL STORM DRAINAGE SYSTEM BY CONSTRUCTING STORM SEWERS, CATCH BASINS, MANHOLES, DETENTION BASINS AND OTHER STORM WATER MANAGEMENT FACILITIES, ENCLOSING AND IMPROVING DRAINAGE DITCHES AND OTHER OPEN DRAINAGEWAYS, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY

APPURTENANCES THERETO, IMPROVING QUINBY AVENUE AND PARK AVENUE BETWEEN CERTAIN TERMINI BY CONSTRUCTING, WHERE NECESSARY, STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, GATE VALVES, SERVICE CONNECTIONS, PAVEMENT, SIDEWALKS AND CURBS, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, AND THE CITY'S PORTION OF THE COST OF IMPROVING MILLTOWN ROAD AND FRIENDSVILLE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, WATER SERVICE CONNECTIONS AND TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this is to refinance the city's 2002 bundled group of projects, originally financed at \$4.45 million, consisting of municipal building renovations, various storm sewer improvements, Quinby and Park Avenue improvements and Milltown Road Phase I assessments. There will be no additional amount added to the \$2.695 million principal which will be refinanced on an eight year accelerated schedule. Mr. Ansel highlighted the amortization schedule embedded within the ordinance, spoke of the cost reduction initiative and noted the attached Fiscal Officers Certificate. Once rates have been locked and the revised figures are known, Mr. Ansel requested that Mr. Dordea compile a comparative summary showing what the refinancing saved the city as an aggregate sum on the annual basis.

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; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes and Steiner-yes).

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

5. First Reading - RESOLUTION NO. 2010-61 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 stated this resolution is to accept the millage rates established by the Budget Commission. He explained there will be no change in the millage rates from the prior year and it coincides with the city's 2011 Tax Budget which council recently accepted.

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; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes and Steiner-yes).

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

6. First Reading - RESOLUTION NO. 2010-62 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Ansel)

Mr. Ansel stated this is to authorize paying Best Wooster the second installment for parking lot rental per the contract. Mr. Dordea explained the city has a lease agreement between the Community Center and the Best Wooster for parking spaces. As an oversight, a purchase order was not prepared prior to the contract coming due. By state law a purchase order must be certified by the financial officer prior to payment of the contract or service. The invoice is for \$4000 and the financial officer can only certify payment up to \$3000. Therefore it necessitated bringing this matter before council for authorization to pay the amount due upon the contract. Mr. Ansel confirmed the amount of the contract is budgeted

for and this is an administrative protocol that council has to approve. Mr. Sigg answered several of council's questions explaining this contact goes back for at least ten years. The parking lot is on the south side of South Street, adjacent to the Community Center. The city owns part of the parking area and Best Wooster owns the other. Mr. Sigg stated the city has never had enough parking for patrons and employees of the Community Center and daycare center. Mr. Cavin asked why parking wasn't used at the nearby public parking lot. Mr. Sigg explained those are three hour parking spaces, so if a person would be at the Community Center longer than three hours they would be ticketed. Mr. Cavin was concerned with the cost and asked if there were plans to purchase land for parking. Mr. Ansel indicated that under the contract the city is leasing approximately 70 parking spaces, which equates to around \$10 a month per space and agreed this is an ongoing expense for the city. In comparison, Mr. Sigg said the city charges individuals \$25 a month per space for public parking in the downtown area. Mayor Breneman added that the city is actively looking at downtown parking and how the city needs to position themselves for public parking and access. Mr. Buytendyk noted at this point the city is contractually obligated to pay this lease.

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

7. First Reading - RESOLUTION NO. 2010-63 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH KRAFT POWER FOR REPAIRS TO THE CO-GEN SYSTEM AT THE WATER POLLUTION CONTROL PLANT (Silvestri)

Mr. Silvestri stated the Co-Gen System Generator at the Water Pollution Control Plant was struck by lightning on May 14, 2010 and windings were burned out of the generator unit. In order to re-store the Co-Gen to operable condition it must be repaired. The repair has been on hold while the city's insurance company investigated the damage. The total estimated cost is \$18,000 and the insurance is expected to reimburse the city up to \$8000, less the \$10,000 deductible. Mr. Silvestri said he was informed that a couple other projects at the plant will be delayed in order to fund this repair.

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

8. First Reading - RESOLUTION NO. 2010-64 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH GPD ASSOCIATES OF AKRON, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE RECONSTRUCTION OF FRIENDSVILLE ROAD, BETWEEN MILLTOWN AND RIFFEL ROADS (Ulbright)

Mr. Ansel was going to leave the resolution on first reading as he did not believe there was any extreme sense of urgency to pass it and also Mr. Ulbright, who was absent, may want to be involved in any future discussion. Mr. Montgomery indicated the project is based on ODOT's time schedule and the next council meeting was not for three weeks. Mr. Ansel stated if there was no opposition from council he would go ahead and move it to third and final reading.

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

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

9. First Reading - RESOLUTION NO. 2010-65 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR REPAIRS TO THE WATER LINE SERVING REED ROAD, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri said on July 12, 2010 around 12:30 p.m. there was a main waterline break on Reed Road and approximately 20 feet from the first break there was a second break, followed by two additional breaks in the same block on Reed Road, with the fourth break occurring around 7:00 p.m. At that point the utilities manager decided to replace the entire line rather than to keep patching a very fragile pipe. Affected customers were provided with temporary water through garden hoses until the contractor could complete the work a few days later. The amount of the project was approximately \$24,000 and was budgeted for another project, painting of stripper towers, which will be postponed until 2011.

Mr. Silvestri 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; Cavin-yes; Knapic-yes; Silvestri-yes and Steiner-yes).

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

10. First Reading -           **RESOLUTION NO. 2010-66 AMENDING RESOLUTION NO. 2010-29 BY INCREASING THE AMOUNT OF THE CONTRACT (Knapic)**

Ms. Knapic stated this request is to increase the contract for the upgrades to the HVAC system at City Hall. The upgrade will give flexibility in putting the building into a non-occupied mode when the building is empty for energy efficiency and also provide improved control of the heating and cooling for council chambers. This will have a positive influence on the operating budget because of lower utility costs due to using less energy in the unoccupied mode. Also the fan speeds will correctly control air movement in the building saving energy. Mr. Sigg explained the HVAC system was not operating properly which resulted in the boilers developing leaks and extensive repair was done to the boilers. Mr. Silvestri said he was surprised the amount was going from \$20,000 to \$40,000 and asked Mr. Monea, Building Manager to give details. Mr. Monea said the value of the system is around \$500,000 and he has not projected the cost savings for the monthly heating/cooling, but going into non-occupied mode is going to be substantial savings. He said when the damage to the system was discovered, the boilers had to be repaired and reinstalled. That used some of the money set aside for gaining better control of the system. The original contract was \$25,000, but an additional \$15,000 is being requested and the bulk of that is because of damage discovered to the boilers.

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

11. First Reading -           **RESOLUTION NO. 2010-67 AUTHORIZING THE DIRECTOR OF LAW TO ISSUE PAYMENT FOR THE SERVICES OF OUTSIDE COUNSEL IN LITIGATION TO ENFORCE THE GENERAL OFFENSES CODE RELATIVE TO NUISANCE ODORS, AND DECLARING AN EMERGENCY (Buytendyk)**

Mr. Buytendyk stated this resolution deals with paying outside counsel with regard to litigation of the EnviroClean case. He said that obviously when city council embarked on this road it was understood that it wasn't going to come at no cost to the city. It was Mr. Buytendyk's understanding that as of this date outside counsel has only been paid a portion of their invoice. He fully endorses the city's efforts and additional money needs to be budgeted in order to see this case to hopefully a successful conclusion. Mr. Buytendyk said we owe this to the citizens who live closest to the Bauer Road business. Mr. Cavin thanked Mr. Benson and city administration for all their efforts. Mr. Silvestri questioned if EnviroClean Services have followed through in paying their portion of the testing costs. Mr. Benson indicated their obligation to pay is included in the Judgment Entry which is on the judge's desk. Upon the execution of the Judgment Entry, Mr. Saluja's attorney will be turning over a check to the city.

Mr. Buytendyk moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes and Steiner-yes).

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

12. First Reading -           **RESOLUTION NO. 2010-68 AMENDING RESOLUTION NO. 2009-70 BY INCREASING THE AMOUNT OF THE CONTRACT (Ansel)**

Mr. Ansel stated this resolution is in conjunction with Resolution No. 2010-67. It supports the engineering testing in establishing scientific certainty that EnviroClean is indeed the originator of the noxious odors. The contract also provides expert witness support in the permanent injunction process scheduled for September 22, 2010. The consulting engineers have been partially paid and Mr. Ansel indicated this request is for additional funding that the city is projected to incur as with any litigation. He said this money is to fight the cause to make things right for the City of Wooster and residents of Ward 1 in this process. The cost of the contract will not exceed \$60,000.00, payable from the unappropriated balance in the General Fund, of which \$20,000.00 has already been expended.

Mr. Ansel moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes and Steiner-yes).

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

13. First Reading - RESOLUTION NO. 2010-69 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH WOOSTER RENEWABLE ENERGY, LLC TO FACILITATE UPGRADES TO THE WATER POLLUTION CONTROL PLANT IN EXCHANGE FOR THE PURCHASE OF ELECTRIC POWER TO OPERATE THE PLANT AND SOLIDS PROCESSING AND HANDLING, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated Quasar Energy Group, or Wooster Renewable Energy (WRE), LLC, would like to perform some experimental work at the city's Water Pollution Control Plant. The proposal entails the upgrade of the WPCP's existing digesters, installation of dewatering equipment and operation thereof by WRE in exchange for guaranteed purchase of electrical power and provisions of sludge (biomass) to the system. Entering into this contract allows the city to avoid approximately \$3 million in capital expenditures within the next 3-5 years to upgrade the digesters/mixers while keeping normal operating and maintenance expenses below current trends. WRE is seeking grant funding from the ARRA program and the application requires commitment from the city to move forward. The commitment to proceed is based fully on the outcome of the feasibility study. Mr. Silvestri said if WRE does not receive the grant, the city would not go forward, but this is a good faith resolution statement that the city would permit WRE to perform the above said work. Mr. Borton answered council's questions and further elaborated on the project. Mr. Borton stated this has the potential to be a win-win project and obviously if it can't be, than there is no point for either side to move forward.

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

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

## **VIII. MISCELLANEOUS**

Mr. Buytendyk thanked all those retiring for their years of service and wished them well in their new endeavors.

Mr. Silvestri noted the Recycling and Reuse Guide, put out by the Joint Solid Waste Management District, was mailed out to residents earlier than anticipated. He hoped everyone received a copy and that it would be beneficial.

## **IX. ADJOURNMENT**

Mr. Steiner moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 9:45 p.m.

---

David J. Silvestri  
Acting President of Council

---

Cheryl K. Collins  
Clerk of Council