

**CITY COUNCIL MINUTES**  
**February 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, Jeff Steiner and Jon Ulbright.

**II. APPROVAL OF MINUTES**

Mr. Steiner moved, seconded by Ms. Knapic, to approve minutes of the February 1, 2010 meeting. Upon voice vote, motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city: 1) Costs incurred for clearing roadways during the recent winter storms; 2) Reminded residents there is a city ordinance requiring property owners to keep their sidewalks clean and free from snow and ice. He urged property owners to remove snow from their sidewalks and to offer their neighbors help if needed.

Mr. Benson encouraged council members to contact city administration if they had any questions regarding the updated Guidebook for new Council Members which had been distributed.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The clerk read a notice from the Ohio Division of Liquor Control regarding the transfer of D1, D2, D3, D6 liquor permits to KMB Management Services Corporation, DBA Wooster Inn & Restaurant & Patio 801 E. Wayne Ave, from College of Wooster, DBA Wooster Inn, 801 E. Wayne Ave & Patio.

Mr. Ansel moved, seconded by Mr. Ulbright, to not request a hearing. Upon voice vote, motion carried unanimously.

The following member of the audience spoke: Firefighter Les Teichmer, 234 Miller Blvd. (Fire union expressed gratitude to Mr. Cavin for his concern for injured firefighters).

**V. COMMITTEE REPORTS; PUBLIC HEARINGS (none)**

**VI. OLD BUSINESS (none)**

**VII. NEW BUSINESS**

1. First Reading -                   ORDINANCE NO. 2010-05 ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated this is a straight forward transfer. Council recently approved funding the VMware operating system software in Resolution No. 2010-25. It was deemed a capital appropriation transfer and it should have been an operating fund transfer. Therefore \$32,000 needed to be shifted from the Capital Improvements Fund to the General Fund (IT operating cost center) for software services as outlined in the previous ordinance. Mr. Cavin questioned why only half of the total cost needed to be transferred and Mr. Ansel explained \$32,000 was appropriated from the Water and Sewer Fund and it was correctly transferred into the operating fund category.

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 (noting suspension of the rules was not called for in the ordinance); Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Mr. Benson indicated this ordinance was not specifically exempted from the three reading rule as funds were not appropriated.

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; Steiner-yes and Ulbright-yes).

2. First Reading -      **ORDINANCE NO. 2010-06 GIVING ODOT CONSENT TO REPLACE HIGHWAY SIGNS ON VARIOUS ROUTES WITHIN THE CITY OF WOOSTER CORPORATION LIMITS (Ulbright)**

Mr. Ulbright indicated this project will be at no cost to the city. The ordinance is to give consent to ODOT to replace state signs that are in need of replacement within the City of Wooster corporation limits. The city is also requesting that ODOT revise and/or add additional signage along state routes 3, 83 and US 30 to better designate directions to downtown Wooster. A decision by ODOT on these additional signs has not yet been made. Recently council approved funds for a study to upgrade the entrances to the city and Ms. Knapic questioned if ODOT would be coordinating with these efforts. Mr. Montgomery indicated this particular project is only for sign replacement which is a maintenance type item. He has been in contact with ODOT and is submitting requests for additional signage to help designate the downtown area but has not received their response. It will most likely be a separate project and will definitely be coordinated with the Gateway project.

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

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

3. First Reading -      **RESOLUTION NO. 2010-27 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE ITEMS OF SPECIALIZED TECHNOLOGY, TO WIT: MOBILE DATA TERMINALS FOR THE POLICE DIVISION (Steiner)**

Mr. Steiner stated this to replace seven mobile data terminals in the police cruisers. The purchase will finalize the replacement of all the MDT's in the marked cruisers and meet security measures required by LEADS, the law enforcement automated data system which the police department uses to pull up warrants, drivers license information and other facts. The MDT's will be Panasonic Toughbooks with three year warranties and a port replicator. This is a budgeted item. With the three year warranty, Mr. Ulbright questioned if that is the approximate lifespan of the laptops and Chief Glick indicated it was but additional warranty is being purchased. They were able to get four or five years out of the previous laptops.

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

4. First Reading -      **RESOLUTION NO. 2010-28 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH ARCHITECTURAL RESOURCES CORPORATION OF DAYTON, OHIO FOR PROFESSIONAL DESIGN SERVICES RELATED TO THE DESIGN AND BIDDING FOR THE CONSTRUCTION OF A NEW FIRE STATION (Steiner)**

Mr. Steiner stated this contract would begin the process of designing and getting a bid document together for construction of the new Fire Station #2. The city has acquired the land and the bid document would include a site survey, geotechnical investigation, preliminary design and final design, which could be presented to the planning commission, and construction documents and specs for construction. Mr. Steiner stated the city is doing this for several reason: #1 to get a better idea of the costs involved with the entire project; #2 this must be done and the sooner the better because with bid documents, specs and land secured, it makes the project shovel ready and more available for possible grants. Mr. Silvestri provided council with a copy of a proposal he had received from James E. Disbury for the construction of Fire State #2, suggesting the city use a steel container application in the construction which would be more economical. Mr. Disbury's letter indicated the structures are being used in Florida to conform with the state's strict building codes, particularly with potential hurricanes and also many of these structures are being shipped to Haiti. Mr. Silvestri indicated he was interested in learning more about this

option but did not have a chance to review the proposal as it was just given to him earlier in the day. He asked if the resolution was passed, if the city could work with Architectural Resources Corporation to possibly incorporate some of these economic features. City administration was unaware of the proposal and Mayor Breneman indicated approximately three years of work and science had already been put into this project by Architectural Resources who have been designing fire stations for 30 years and are experts in the field of building fire stations to work properly. To throw all of that out of the window because of a more economical steel container proposal, he cautioned council to do research before making any decisions. Due to the lateness of receiving the proposal, council members did not feel comfortable with it and indicated they may use it as a future reference for other projects. Mr. Ansel suggested having the architect from Architectural Resources review the proposal and get his opinion, traditional construction vs. modular construction. Mr. Ansel asked if there is an extension element in the architect's design bill providing that if the station is not built within two or three years that any upgrades or revisions would be without supplemental cost for a guaranteed period of time. Chief Eyler confirmed that is so.

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

5. First Reading -

**RESOLUTION NO. 2010-29 AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO ENTER INTO A CONTRACT WITH ENTERPRISE  
CORPORATION OF TWINSBURG, OHIO FOR UPGRADES TO THE MUNICIPAL  
BUILDING HVAC SYSTEM (Knapic)**

Ms. Knapic indicated a two year plan was developed to service and upgrade City Hall's HVAC system. This request is for the second year and improvements would be 1) work on a leaking gas valve regulator; 2) perform service on the hot desk of both Air Handling Units (AHU); 3) boiler loop piping re-routed for energy efficiency; 4) re-route low limit controls for better energy management; 5) calibrate secondary controls; 6) install building static pressure sensors; 7) program updates to the building automation system; 8) repair refrigerant leak on circuit "B" of the chiller; 9) insulate humidifier steam drip traps and misc piping and 10) prepare preventative maintenance program document to be implemented. All these upgrades are under \$25,000, but over \$15,000 and the money has been appropriated for this project. Mr. Silvestri voiced that he did not have enough information to support this request especially in the rough economic times. Mr. Buytendyk indicated he remembers discussing this project at great length when it was passed the first time. One of the things discussed was the HVAC is forty years old and things wear out and although money is tight, nothing is worse than to let a system deteriorate. Mr. Ulbright felt it was reasonable to take care of the second part of the program seeing that roughly half the work had already been done and if the rest is let go there may be more serious issues to address. He believes the city has the responsibility to maintain the citizens property and this effort should be supported. Mayor Breneman further explained the improvements and indicated the upgrades are being recommended by the city's chief building official. Mr. Silvestri further clarified that he supported the work done last year but in these times of financial strain, this cost seems more than he could be comfortable with. Though he is for remedying the problems, he thinks a less severe approach would be better, one which requires less of the tax payers resources. He would not be opposed to putting some of these things off to a future year but could not support the resolution in its entirety.

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

6. First Reading -

**RESOLUTION NO. 2010-30 AUTHORIZING THE DIRECTOR OF FINANCE TO  
ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH  
VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Cavin)**

Mr. Cavin stated this resolution is to authorize payment to Wooster City Schools for rent due from October, November and December of 2009. The Gault Center is used for the city's basketball and soccer programs and there was a billing error for these services. The city pays \$18 an hour for each of the courts at the Gault Center and to rent all four courts for an entire day is \$792. Mr. Cavin stated these programs are a money making proposition for the city and therefore easy to justify the payment. Mr. Buytendyk indicated he assumed this money was budgeted for in 2009 and though the invoice didn't get paid by the end of the year, the money was carried forward. Susan

Kelly, Recreation Specialist, clarified that the money to pay this expense was encumbered in 2009 but due to an over site, the city was incorrectly billed and the corrected invoice was not received until January. The rent for all three months, which normally are paid on a monthly basis, were bundled together bringing the total amount over that which can be paid without authorization.

Mr. Cavin 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; Steiner-yes and Ulbright-yes).

7. First Reading -      RESOLUTION NO. 2010-31 AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO ENTER INTO A CONTRACT FOR TECHNICAL  
LABORATORY SERVICES (Silvestri)

Mr. Silvestri stated this is to authorize entering into a technical services contract with Alloway, Inc. for laboratory testing for the Water Pollution Control Division and the Water Production Division. He explained the various testing and indicated the total cost of \$50,000 was divided with \$24,000 going to the waste water plant and \$26,000 to the water plant for testing. In 2009 the total cost of testing was also \$50,000. Mr. Ulbright questioned if the city could have this type of testing facility onsite and Mr. Borton indicated it would not be financially beneficial.

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

8. Resolution No. 2010-32 was withdrawn from the agenda at Mr. Borton's request. Mr. Silvestri indicated if there were no objections, Resolution No. 2010-33 would be renumbered to Resolution No. 2010-32. After discussion, there were no objections and the legislation was renumbered as indicated.

9. First Reading -      RESOLUTION NO. 2010-32 AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT  
WITH CHEM-MASTER, INC. OF BUFFALO, NY FOR CONSULTING SERVICES  
RELATED TO OPERATION OF THE WASTEWATER TREATMENT PLANT  
(Silvestri)

Mr. Silvestri stated this legislation is to authorize entering to into a technical services contract with Chem-Master, Inc. of Buffalo, NY for consulting services relative to the formulation and dosages for coagulants and flocculants to treat BOD waste at the wastewater treatment plant. Consulting services and new testing options are provided by Chem-Master if the chemicals are purchased from them. In 2009 the cost for this service was \$190,000. The estimated cost for 2010 is \$200,000 with the possibility of that amount being reduced to \$130,000 once the biotower is in full operation in mid-October. Mr. Silvestri also relayed that the city has been five months without going over the limited discharges from the waste water plant and six months within the monthly limits. Mr. Ulbright asked what amount was spent for chemicals in 2008 and Mr. Borton was unsure but indicated it was significantly less as the chemicals were not used until late in the year. Mr. Ulbright indicated he would like to receive a chronological list of expenses for the wastewater treatment plant and added that there is growing concern regarding the continued expenses. Mr. Ulbright questioned if the city could have anticipated the need for a biotower to which Mr. Borton indicated he did not believe so and gave further explanation. Though its been a struggle, Mr. Borton feels the city is better off today than if the biotower would have been built three or four years due to lower construction costs and better loan rates. Mr. Buytendyk added that one corporation is paying for approximately half the cost of the biotower which may have not been the case if it had been built earlier. Mr. Ansel noted that over the last three years there have been substantial costs at the wastewater treatment plant and the city has done a good job managing the EPA compliance standards, but its absolutely critical that the biotower eliminate these ongoing expenses. A year from now when the biotower is operating, Mr. Ansel believes if the city is still buying chemicals and having the higher volume of sludge removal, council is not going to look very favorable in terms of management skills and abilities by the citizens of Wooster and rightfully so.

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

10. Mayor Breneman issued a memo recommending the appointment of the Director of Administration and the Director of Finance to the Tax Incentive Review Council for the Wayne County/City of Wooster Enterprise Zone. This appointment will satisfy the requirements of the Ohio Revised Code Section 5709.85 (A) (2). There were no objections and all approved by voice vote.

11. A memo from Mr. Buytendyk was received requesting replacement of a member of the Charter Review Commission. One of those appointed to the board, for personal reasons, was unable to act as a member of the commission. Therefore Mr. Buytendyk asked for approval to appoint a successor, Margaret (Meg) Gray of 556 Woodland Avenue. There were no objections and all approved by voice vote.

### **VIII. MISCELLANEOUS**

Ms. Knapic reiterated the Mayor's concerns for keeping sidewalks cleaned of snow. People are having to walk in the streets which is a dangerous situation especially in the evening. Ms. Knapic asked those who can get out and clean off their sidewalks to do so and to help others who can't.

Mr. Ulbright commended the city road crews for working very hard during the snow storm to keep the city streets free of snow and manageable for traffic.

Mr. Ansel reminded everyone that the Finance Committee will be having a state of the city finance meeting on Monday, March 15, 2010 at 6:30 p.m. at city hall.

Mr. Silvestri illustrated the procedure used to clean the stripping towers by distributing small plastic balls used in the process. In reference to the waste water plant and the anticipation of the operation of the biotower, Mr. Silvestri announced the Public Utilities Committee would like to hold an informative onsite visit for an update on plant operations. The meeting was set for Monday, March 1, 2010 at 5:30 p.m. at the waste water treatment plant.

### **IX. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:47 p.m.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council