

CITY COUNCIL MINUTES
February 17, 2009

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, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Buytendyk, to approve minutes of the February 2, 2009 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city.

Mayor Breneman recommended the following individuals for appointment to the various boards/commissions:

SHADE TREE COMMISSION

			Term-3 yrs.
Sandy Bower	425 S. Walnut	Ward 1	01/01/09 – 12/31/11
Dan Houston	1823 Burbank Rd.	Ward 4	01/01/09 – 12/31/11

HOSPITAL BOARD OF GOVERNORS

			Term-4 yrs.
Gary Thompson	868 Lois Avenue	Ward 1	01/01/09-12/31/12
Yvonne Williams	659 College Avenue	Ward 2	01/01/09-12/31/12

Mr. Ansel moved, seconded by Mr. Buytendyk, to approve the appointments of Sandy Bower and Dan Houston to the Shade Tree Commission. Upon roll call, motion to adopt carried unanimously.

Mr. Buytendyk moved, seconded by Mr. Silvestri, to approve the appointments of Gary Thompson and Yvonne Williams to the Hospital Board of Governors.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Two Fiscal Officer's Certificates were received from the Director of Finance in relation to the two note ordinances on the agenda, Ordinance No 2009-03 and 2009-04. Copies of the Fiscal Officers Certificates were attached to each note ordinance presented to council members.

City Council received a letter from the Wooster Planning Commission recommending approval of amendments to the Planning and Zoning Code, Sections 1121 and 1148, in order to create an Agricultural (AG) zoning district in the City of Wooster's Planning and Zoning Code. Mr. Buytendyk set a Public Hearing for March 16, 2009 at 7:30 p.m.

A signed petition was received from Spiro Matso regarding concerned citizens protesting the addition of more bars to the downtown Wooster area.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ulbright indicated he received the tentative 2009 street paving list and would like council members to review and offer suggestions for additional streets to either himself or Jim Newman at the Maintenance Division.

VI. OLD BUSINESS

1. Third Reading - RESOLUTION NO. 2009-13 AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MURR PRINTING OF WOOSTER FOR VIDEO SERVICES FOR MEETINGS OF WOOSTER CITY COUNCIL, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated there has been considerable discussion regarding the contract extension with Murr Printing for the 2009 video taping of city council meetings. Therefore the finance committee recommended accepting Resolution 2009-13 and in the 3rd quarter of 2009 they will conduct a comprehensive review, from a pricing and technology perspective, and return to council before year end with a recommendation as to the 2010 video production contract. There were two other parties interested in competing for this contract and Mr. Ulbright wanted to confirm that they had been contacted and notified of the upcoming review. Mr. Ansel advised they had.

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

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2009-03 PROVIDING FOR THE ISSUANCE AND SALE OF \$3,220,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, 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 noted, as referenced earlier in the meeting, a copy of the Fiscal Officer's Certificate was attached to this ordinance. He stated this is a roll over of the Beall Avenue Streetscape Improvement Notes issued last year in the amount of \$4 million when the specific contract amounts were unknown. With the final contract numbers now available the note for \$3.2 million will be issued with a one year maturity, allowing the project to be completed by the end of 2009. The funding will be derived from four sources, the College of Wooster, Ohio EPA, property owner assessments and the City of Wooster. Upon completion of the project, longer term bonds will be issued to cover the balance of funding. The ordinance was left on first reading.

2. First Reading - ORDINANCE NO 2009-04 PROVIDING FOR THE ISSUANCE AND SALE OF \$2,480,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REFUNDING ALL OF THE CITY'S OUTSTANDING WATERWORKS SYSTEM IMPROVEMENT BONDS, SERIES 1996, DATED AS OF MARCH 15, 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, AUTHORIZING AND DIRECTING THE CALL FOR REDEMPTION OF THOSE REFUNDED BONDS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel noted, as referenced earlier in the meeting, a copy of the Fiscal Officer's Certificate was attached to this ordinance. He stated that with this ordinance notes will be issued to pay off bonds that were issued in 1996 for the construction of the City's Water Treatment Plant. A detailed explanation was received from the finance director explaining paying off of the bonds, the weighted average of the interest and the benefits that will be gained by refinancing at current market interest rates on the municipal notes, moving from a 5.2% interest rate down to a 3% average. The refinancing arrangement will generate an approximate \$42,000 a year savings to the city. Additional funding will also be pursued for water projects providing there is a stimulus match and those programs will be initiated in the proper protocol. Reports will be issued regarding any funding availability that the city is able to secure. The ordinance was left on first reading.

3. First Reading - **ORDINANCE NO. 2009-05 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY (Buytendyk)**

Mr. Buytendyk stated this is an annual ordinance to approve revisions made to the state and local ordinances so as to update and bring them into compliance with state law. Mr. Silvestri questioned if this included city ordinances which were passed and Mr. Benson explained a section of our code deals with criminal law violations and every year the Walter Drane Company codifies our ordinances to conform our local ordinances to corresponding changes in state law so that we have the option of charging an offense under state law or under local ordinance.

Mr. Buytendyk 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. 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).

4. First Reading - **RESOLUTION NO. 2009-32 REQUESTING THAT THE PLANNING COMMISSION, PURSUANT TO WOOSTER CODIFIED ORDINANCE SECTION 1119.04, REVIEW AND CONSIDER PROPOSED TEXT AMENDMENTS TO THE PLANNING AND ZONING CODE TO MERGE THE BOARD OF ZONING APPEALS WITH THE BOARD OF BUILDING APPEALS (Buytendyk)**

Mr. Buytendyk stated the Board of Building Appeals very rarely meets and both the Board of Building Appeals and Board of Zoning Appeals review similar issues and situations. Therefore the idea is to merge the two boards together and consolidate the volunteer pool. Mr. Ulbright asked that the ordinance remain on first reading and requested an updated list of members on both boards and details of the proposed changes. Mayor Breneman explained that members of the Board of Building Appeals would become members of the Board of Zoning Appeals. Mr. Steiner questioned if combining the two boards would simplify the appeals process to which Mr. Breneman responded that overall it would. Mr. Monea answered several questions dealing with combining the boards. The resolution remained on first reading.

5. First Reading - **RESOLUTION NO. 2009-33 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH CHEMATRIX, INC. OF BUFFALO, NY FOR CONSULTING SERVICES RELATED TO OPERATION OF THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY (Silvestri)**

Mr. Silvestri stated this request is for the purchase of chemicals up to \$200,000 and is a budgeted item. The resolution would authorize hiring Chematrix, Inc. who have experience in dosages of chemicals for waste water treatment plants such as the city's. They will provide their expertise along with supplying the necessary chemicals in order to maintain compliance with the Ohio EPA. Mr. Borton, manager of the Waste Water Treatment Plant, answered several of council questions as to the plant's operations.

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; 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).

6. First Reading - RESOLUTION NO. 2009-34 AUTHORIZING THE MAYOR OF THE CITY OF WOOSTER, OHIO TO ENTER INTO A JOINT COOPERATION AGREEMENT WITH MEDINA COUNTY, OHIO PURSUANT TO PROVISIONS OF THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008, THE U.S. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT NEIGHBORHOOD STABILIZATION NOTICE, THE STATE OF OHIO'S AMENDED CONSOLIDATED PLAN, AND APPLICABLE NEIGHBORHOOD STABILIZATION APPLICATION GUIDELINES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this is a unique funding option whereas Region 5, consisting of Medina County, Wayne County and the cities of Wooster, Medina, Wadsworth and Brunswick, has been allocated in excess of \$1 million for HUD funding. Mr. Ansel complimented Mike Sigg and the Wooster team for their work with negotiations as all parties had to unanimously agree on the allocation of the available funds. Wayne County will receive 50% of the funding and Medina County will be the lead administrative agency. The funds can be used for vital renovations, urban renewal, purchase of vacant or abandoned properties or to assist Habitat for Humanity to provide housing for low income and moderate income families. The funds can also be used to demolish distressed properties that are condemned or a blight to the community in order to create green space. Mr. Ansel indicated the primary targeted area will be Ward 1. The entire grant package must be put together and submitted to the state by February 27, 2009.

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).

7. First Reading - RESOLUTION NO. 2009-35 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A NEW SECONDARY TRANSMISSION MAIN WATER LINE, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated several years ago during the reconstruction project of US 30, the City of Wooster had a water line installed under US 30 in the vicinity of Old Columbus Road for the purpose of constructing a secondary water main. This resolution will authorize the construction of that secondary transmission main from Old Columbus Road, across US 30, to an existing main at Larwill and Liberty. Currently there is only one transmission main from the WTP to the city water system. Paving needs to be done in the area and the pipe needs to be laid before the roadway is repaved. Total cost of the project is \$945,000 and is a budgeted item. The Ohio Public Works Commission has agreed to fund \$500,000 of the project with grant funds and the remainder will be funded in the form of low interest loans through EPA. Mr. Schuch questioned if there had been another secondary water main at one time and Mr. Montgomery did not believe so and gave an explanation of the current water lines.

Mr. Silvestri 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. Silvestri 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).

VIII. MISCELLANEOUS

Mr. Schuch indicated that he had received concerns about the lack of snowplowing and maintenance on Billiar Street.

Mr. Ulbright questioned if the Community Block Grant Fund or other funds could be used to improve the presidential streets north of Bowman. He requested that administration let council know if funds became available for this purpose.

Mr. Ansel stated he will be setting a Finance Committee meeting in March.

Mr. Silvestri advised Mr. Matso that copies of the petition would be circulated to council members.

IX. ADJOURNMENT

Mr. Topovski moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 8:35 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council