

**CITY COUNCIL MINUTES**  
**February 19, 2013**

**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. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner, and Jon Ulbright. Dick Benson was Acting Clerk of Council.

City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Finance Director Andrei Dordea, and Law Director Dick Benson.

**II. APPROVAL OF MINUTES**

The minutes from the February 4, 2013 meeting were not distributed with the council packets. However, Council members had previously received them electronically. Mr. Ansel moved, seconded by Mr. Silvestri, to approve the February 4, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman reported that auditors from Rea & Associates have begun the annual city audit for 2012. This is the last year that the firm will be performing the city audit due to state rules limiting the number of years a firm can audit the same public entity. Mr. Breneman also informed council of the passing of Chris Schmid and Woodrow Zook.

Joel Montgomery provided updates on the water meter and meter transmitting unit replacement project. City of Wooster employees installed 400 new pieces of equipment in January while still performing all other job duties. Our employees installed nearly as many pieces of equipment with less than half the number of employees as the City of Canton, which is also going through this process.

Mr. Montgomery reported that eight of the properties currently on our Moving Ohio Forward project list have or will soon have the asbestos abatements completed and will start demolition on February 25, 2013. The goal is to complete demolition within 90 days.

Mr. Montgomery also reported that the city received two quotes in response to the RFP for bio-solids, have reviewed the submissions, and have determined that Quasar will be the company chosen for the project.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Ulbright reported on the Public Infrastructure Committee meeting held earlier in the evening. ODOT provided information on ODOT's strategic and financial planning program for the next few decades. The committee members also heard a presentation on the possibility and safety benefits of a modern roundabout for the State Route 83 and Smithville Western Road intersection. ODOT stated that a roundabout is cheaper in the long-term than a system of traffic lights and turning lanes and is statistically much safer than traditional intersections. Mr. Buytendyk added that if the proposed modern roundabout goes forward, that ODOT would be responsible for 90% of the cost.

Ms. Knapic announced that the Laws & Ordinances Committee will meet on Thursday, February 21, 2013 at 5:30pm in Council Chambers to discuss city spending limits and amending the dog ordinance to make it breed neutral.

**VI. OLD BUSINESS**

1. Second Reading – ORDINANCE NO. 2013-08 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONDOR PACIFIC PROPERTIES, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Sanders recused himself from discussion and participation on this legislation. Mr. Ansel thanked council members for reaching out to him with their questions on this legislation. Mr. Ansel emphasized that this is an important piece of legislation that would allow a local company to expand and further to invest in our community. This ordinance would enable Gomoplast Machinery Inc. (GMI) to proceed with purchasing land, to construct a new showroom and office space, and to provide a 50% real property tax abatement for 10 years.

Mr. Ansel moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried 6-0 (Ansel-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Mr. Sanders recused himself.

Mr. Ansel moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried 6-0 (Ansel-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Mr. Sanders recused himself.

Mr. Sanders rejoined council after recusing himself for consideration of the prior piece of legislation.

## **VII. NEW BUSINESS**

1. First Reading – RESOLUTION NO. 2013-18 A RESOLUTION DECLARING IT NECESSARY TO IMPROVE FRIENDSVILLE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING REHABILITATING AND OTHERWISE IMPROVING STORM SEWERS, STORM WATER DRAINAGE FACILITIES, UNDERGROUND CONDUITS, CATCH BASINS, MANHOLES, WATER MAINS, SANITARY SEWERS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)

Mr Ulbright stated that this is the first major step in the construction project for Friendsville Road. The city's portion of the project is \$822,000. Improvements would be made to the section of Friendsville Road between Milltown Road and Riffel Road. The project must be bid and awarded by July 15, 2013 to meet ODOT's requirements. Mr. Montgomery added that the city has many legal obligations that must be met along the way, and it would be very beneficial if the rules were suspended and the legislation approved tonight.

Mr. Sanders asked Mr. Montgomery if he could provide the assessment rate per front foot. Mr. Montgomery responded that it was right around \$85.00. Mr. Cavin asked if the need for any traffic signals was anticipated, and Mr. Montgomery said not at this point. Ms. Knapic asked for an approximate start date, and Mr. Montgomery stated that with a deadline of July 15 to award the bid, that construction would likely begin within a month of that date. Mr. Ulbright asked if the entire road would have to be shut down during the project. Mr. Montgomery responded that access would be provided to the businesses and apartment complex, though they would try to restrict the thru traffic.

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

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

2. First Reading – RESOLUTION NO. 2013-19 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MOWING SERVICES FOR CITY-OWNED PROPERTY (Silvestri)

Mr. Silvestri stated that the city contracts for mowing on city-owned properties. The city will be billed on a per-mowing basis and payment will be made from various cost centers depending on which city division occupies the property that was mowed. Rough mowing will be provided for via an agreement with ODOT, so this legislation is for areas such as the parks and grass around city-owned buildings.

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

3. First Reading – RESOLUTION NO. 2013-20 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER, SEWER AND STORM SEWER REPAIR PARTS FOR THE UTILITIES DIVISION (Sanders)

Mr. Sanders stated that repairs are necessary for various parts of the water, sewer, and storm water systems, and that this legislation would allow the city to purchase the necessary parts.

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

4. First Reading – RESOLUTION NO. 2013-21 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR FURNISHING BITUMINOUS MATERIAL AND CONCRETE (Ulbright)

Mr. Ulbright reported that this legislation would allow the city to bid for pricing to obtain the materials needed to make road, sidewalk, and driveway repairs for 2013. If pricing is available through the State of Ohio, then the city will pursue that option. Mr. Ulbright mentioned the possibility of an informational infrastructure meeting that would inform council members as to the decision-making process behind when the city does the paving work itself and when it is contracted to an outside business. Mr. Silvestri asked if they could anticipate an increase in the cost of materials, and Mr. Ulbright stated that asphalt would be affected by oil prices but the other materials would not be as sensitive to fluctuations.

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

5. First Reading – RESOLUTION NO. 2013-22 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH DUKES, INC. OF SYRACUSE, NEW YORK FOR ROOT TREATMENT FOR THE WASTEWATER SYSTEM (Sanders)

Mr. Sanders stated that this is an annual contract for Dukes, Inc. to treat the build-up of tree roots that can cause damage to the city's sewer system. Mr. Silvestri asked if the city was currently not treating the lines until blockages occur. Mr. Montgomery said that was the case and that though the sewer is in pretty good shape, there are enough cracks that the roots can grow into the lines.

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

6. First Reading – RESOLUTION NO. 2013-23 A RESOLUTION AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING TREE SERVICE (Silvestri)

Mr. Silvestri stated that the city is responsible to perform work and maintenance of trees located in the tree lawn, the space between the sidewalk and the curb. Mr. Silvestri further noted that since the city has only one arborist, the city cannot perform all of the work without outside assistance. Mr. Ansel asked how much the city expended last year for this particular work. Mr. Silvestri said that it was \$66,000.

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

7. First Reading – RESOLUTION NO. 2013-24 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PROCEED WITH A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SR 83 WITHIN THE CITY OF WOOSTER; AND AUTHORIZING THE ISSUANCE OF PAYMENT FOR THE CITY'S PORTION OF THE PROJECT EXPENSE, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated that the city is responsible for 20% of the costs of the repairs on the stretch of road south of Liberty Street to the corporation limit line. ODOT will cover 80% of the cost of repairs. Mr. Ulbright noted that the \$200,000 cost is an estimate because the repairs could include full-depth repair that would not be known until the work has commenced. The city will have reduced maintenance costs after repairs are completed. Mr. Steiner requested clarification on the resolution number because the ODOT legislation provided has 2012-34 printed in the upper left corner. Mr. Montgomery explained that 2012-34 was the resolution number of the initial piece of legislation passed by council and is referenced by ODOT. This particular piece of legislation is 2013-24. Mr. Sanders asked why council was just receiving the legislation on the 19<sup>th</sup> of February if the deadline to return it to ODOT is February 22<sup>nd</sup>. Mr. Montgomery responded that the city did not receive the document until after the previous council meeting on February 4, 2013.

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

8. First Reading – RESOLUTION NO. 2013-25 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SPECIALIZED TECHNOLOGY; TO-WIT: UPDATED MICROSOFT OFFICE SOFTWARE FOR ALL CITY DEPARTMENTS AND DIVISIONS (Ansel)

Mr. Ansel reported that Mr. Dodd, the Information Technology Manager, is recommending that we upgrade our current Microsoft Office software. The current version will no longer be supported by Microsoft after 2014 and the city is beginning to experience compatibility issues due to the older software. Software will be purchased using the state contract prices, which will save money for the city. Mr. Silvestri asked if using an open source software would provide savings. Mr. Dodd responded that the state contract is discounted below the regular retail price. Mr. Dodd also stated that the city tried to use open source software a few years ago and several city departments experienced a loss of functionality, so the city has stuck with the Microsoft products. Mr. Buytendyk asked if the software is on the network or individual computers. Mr. Dodd confirmed that it must be installed on each individual computer but can be installed remotely so that IT personnel do not have to physically install the software on each computer. Mr. Silvestri asked about the possibility of floating licenses. Mr. Dodd replied that floating licenses are not an option with this software license. Ms. Knapic asked when the last version of Microsoft Office was purchased. Mr. Dodd said that although he did not know the exact date, we have had the same software during his entire time at the city, so it was prior to 2006.

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

9. First Reading – RESOLUTION NO. 2013-26 RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING THE VINE STREET AREA (Sanders)

Mr. Sanders informed council that this project is a budgeted item. The 2” galvanized water line along Vine Street between Spruce Street and Buckeye Extension needs to be replaced. Recent breaks have necessitated the replacement. Mr. Montgomery said the line will be replaced with an 8” line. Mr. Buytendyk noted this is an enterprise fund and not a general fund expenditure.

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

#### **IX. EXECUTIVE SESSION**

Mr. Sanders moved, seconded by Mr. Ulbright, to go into executive session to discuss litigation. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

#### **X. MISCELLANEOUS**

Mr. Silvestri noted, and confirmed with Mr. Montgomery, that the Friendsville Road project was first discussed 13 years ago. Mr. Silvestri noted that projects of this scope are discussed and planned for well ahead of the time they are necessary. Additionally, Mr. Silvestri noted the city’s portion of the cost of this project would be 34%.

#### **XI. ADJOURNMENT**

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 9:37 p.m.

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Michael G. Buytendyk  
President of Council

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Amy M. Hamilton  
Clerk of Council