

CITY COUNCIL MINUTES

February 2, 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. Silvestri noted corrections to the minutes. Mr. Steiner moved, seconded by Mr. Silvestri, to approve the corrected minutes of the January 20, 2009 regular meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

In Mayor Breneman's absence, Mr. Dordea, Mr. Sigg and Mr. Benson updated council on various activities in the city.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A notice was received from the Ohio Division of Liquor Control requesting the transfer of D1, D2, D3 and D6 liquor permits TO: N & D Restaurants, Inc., DBA Red Lobster #766, 3805 Burbank Rd. FROM: GMRI, Inc., DBA Red Lobster #766, 3805 Burbank Rd. Mr. Topovski moved, seconded by Mr. Steiner, not to request a hearing on the transfer. Upon roll call vote, motion carried unanimously.

Mr. Silvestri recognized Boy Scout Troop 65 who were in attendance.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

None

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2009-01 AMENDING PART FIFTEEN, FIRE PREVENTION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF A CERTIFICATION PROVISION FOR THE COLLECTION OF FEES FOR INSPECTIONS AND PERMITS REQUIRED BY THE CODE (Steiner)

Mr. Steiner stated this is a method by which uncollected fees for inspections and permits, required by the fire code, are certified, given to the county auditor and placed on the tax rolls for collection through real estate taxes.

Mr. Steiner 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. Steiner 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).

2. Second 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 stated at the previous meeting, council discussed the contract renewal with Murr Printing for video services for the taping of council sessions. It was decided that competitive options would be solicited to any interested parties. Two qualified offers were received (1) C&C Video Productions and (2) Pro Audio-Video Productions. Mr. Ansel indicated he would leave this on second reading to allow the finance committee and city administration to meet with these companies and review their proposals. A determination will be made whether to renew the contract with Murr Printing or pursue another competitive option.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2009-02 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF WAYNE COUNTY COMMISSIONERS TO EXPAND THE SIZE AND FACILITIES OF THE KILLBUCK SOUTH SEWER DISTRICT (Silvestri)

Mr. Silvestri stated there are wells contaminated south of where the current sewer district lies and the city would like to expand the sewer district to incorporate this area. EPA regulations require the Scenic Heights development, west of Batdorf Road, to either put in their own sewage plant or tie into city sewer. Wayne County Commissioners have agreed to pay all of the costs associated with tying into the city sewer. Mr. Sigg indicated the city will bill property owners for usage and will maintain the sewer system. Mr. Borton confirmed that the sewer plant is capable of handling this additional area.

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. 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).

2. First Reading - RESOLUTION NO. 2009-17 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 STORM SEWER SERVING THE LARWILL STREET AREA AND REPAIRS TO THE EXISTING SANITARY SEWER SERVING THAT AREA, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated the total estimated cost for this project is \$700,000, of which \$481,000 is being budgeted from the Storm Sewer Fund, \$219,000 from the Sanitary Sewer Fund and \$255,000 is being funded through a 0% interest loan from the Ohio Public Works Commission. This project will install over 2500 feet of new storm sewer, 430 feet of sanitary sewer replacement, 1600 feet of sanitary lining and separation of storm sewer connections into the sanitary sewer. Mr. Silvestri gave a brief explanation the project.

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).

3. First Reading - RESOLUTION NO. 2009-20 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH SUNGARD PUBLIC SECTOR BI-TECH, LLC FOR TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT AND HUMAN RESOURCES DIVISION SOFTWARE, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained this is an on-going maintenance agreement with SunGard Public Sector Bi-Tech and is brought to council annually. It is in conjunction with the application service provider agreement which was approved at the last council meeting. Total projected amount of the contract is \$39,500 and the funds have been allocated.

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. 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).

4. First Reading - RESOLUTION NO. 2009-21 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH SUNGARD BI-TECH, INC. FOR TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT SOFTWARE, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this is for a major software package upgrade. The city has waited to implement this upgrade until this time in order for all code to be written and Beta site users to trouble shoot upgrade issues. The system is now ready to transition from the current software to the new and improved software being provided by SunGard Bi-Tech which is in conjunction with the bundled ASP and technical support services. There will be user training, new implementation, protocol changes, reconfiguration of the security systems, etc. which will be covered in the agreement. The amount appropriated for this upgrade is \$35,000 and the projected cost is approximately \$25,000.

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. 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).

5. First Reading - RESOLUTION NO. 2009-22 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS, AND DECLARING AN EMERGENCY (Schuch)

Mr. Schuch stated the taxi service is a much needed service and has been on-going for a number of years. The Parks and Recreation Division, who oversee the program, provided a detailed report showing the number of participants increasing annually. The taxi program is designed to assist low income residents with transportation within the city. Qualified participants purchase taxi passes for \$2.50 per transport at the Community Center and City Hall and the city pays the taxi company \$4.00/\$4.50 per transport. Mr. Malta answered several questions about the taxi program.

Mr. Schuch 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. Schuch 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).

6. First Reading - RESOLUTION NO. 2009-23 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH THE WOOSTER SOCCER ASSOCIATION FOR SOCCER-RELATED ACTIVITIES SERVICES, AND DECLARING AN EMERGENCY (Schuch)

Mr. Schuch stated this is an annual contract with the Wooster Soccer Association for city-sponsored soccer activities. The Recreation Division sponsors a year-around program of competitive sports activities and requires the services of individuals and an organization experienced in serving as coaches and managers for the various activities which the Wooster Soccer Association is able to provide. There are approximately 2000 children participating in the soccer program.

Mr. Schuch 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. Schuch 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).

7. First Reading - RESOLUTION NO. 2009-24 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH WOOSTER SUMMER BASEBALL, INC. FOR OFFICIATING SERVICES, AND DECLARING AN EMERGENCY (Schuch)

Mr. Schuch indicated this an annual renewal of a contract with Wooster Summer Baseball, Inc. for officiating services of city-sponsored competitive sports activities. Mr. Schuch feels this is a very worthwhile service that is utilized by the youth in our community.

Mr. Schuch 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. Schuch 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).

8. First Reading - RESOLUTION NO. 2009-25 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH ACRES OF FUN FOR THE RENTAL OF FACILITIES FOR THE RECREATION DIVISION'S INDOOR SOCCER PROGRAM, AND DECLARING AN EMERGENCY (Schuch)

Mr. Schuch noted this is an annual contract with Acres of Fun for the rental of indoor facilities to allow participants of the soccer program to use during severe weather months. The program is utilized extensively by the youth and Mr. Schuch believes it is a very worthwhile program.

Mr. Schuch 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. Schuch 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).

9. First Reading - RESOLUTION NO. 2009-26 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, AND DECLARING AN EMERGENCY (Topovski)

Mr. Topovski stated this is a contract for mowing services of city-owned property. Last year the cost for this service was approximately \$32,000 and the city is trying to minimize mowing in order to reduce costs. The bid will be for weekly and bi-weekly mowing, paid on a per mow basis, for jobs which include mowing around water towers, roadsides and facilities throughout the city, which the city does not have the staff to cover. Mr. Topovski was concerned that mid-March may be too early for the mowing season to begin and funds would be expended that didn't need to be, but Mr. Malta advised that the mowing would not begin until the Parks Division felt it was absolutely necessary.

Mr. Topovski 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. Topovski 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).

10. First Reading - RESOLUTION NO. 2009-27 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE WAYNE COUNTY COMMUNITY FOUNDATION FOR GRANT MONIES; TO APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Topovski)

Mr. Topovski stated this resolution is to further the process in developing the proposed Oak Hill Park. In December 2006 the Noble Foundation donated 100 acres to the City of Wooster to use as a park in order to keep the land in its natural décor. Council approved a \$100,000 commitment out of the Capital Improvements Fund to be used for purchase of the land which was one of the deciding factors in receiving the grant for \$100,000 from the Ohio Public Works Commission Clean Ohio Program. According to Mr. Malta, it was one of the best applications the OPWC had received. At this time, the Wayne County Community Foundation is expected to receive a donation of \$500,000 from the Noble Foundation to be used for the development of the proposed new park. The City is requesting authorization for the Mayor to apply to WCCF for these grant monies to be used on an as needed basis to develop the park. Council members expressed their gratitude and excitement for the anticipated new park.

Mr. Topovski moved, seconded by Mr. Ulbright, 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. Topovski 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).

11. First Reading - RESOLUTION NO. 2009-28 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 explained this request is to purchase salt for next year at the lowest and best bid. The estimated cost of the purchase is \$400,000 and is a budgeted item. Mr. Sigg stated the current salt supply is in good shape.

Mr. Ulbright 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. Ulbright 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).

12. First Reading - RESOLUTION NO. 2009-29 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, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this is a yearly occurrence to purchase asphalt and concrete through competitive bidding or if available, through the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program. The estimated cost for purchase of asphalt is \$600,000 and \$64,000 for purchase of concrete, both are budgeted items. Mr. Ulbright indicated 2008 costs were \$625,000 for asphalt and \$65,000 for concrete. Mr. Sigg answered several questions regarding current pricing and street repair. Mr. Topovski noted in Section 4 of the resolution it referred to the year 2008 rather than 2009. Mr. Ulbright moved to change 2008 to 2009 by interlineation and there were no objections.

Mr. Ulbright 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. Ulbright 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).

13. First Reading - RESOLUTION NO. 2009-30 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MILLING VARIOUS STREETS, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this request is to contract with the lowest and best bidder for milling various streets, either by competitive bidding or through the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program. It is a budgeted item for the estimated cost of \$40,000.

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).

14. First Reading - RESOLUTION NO. 2009-31 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR TECHNICAL LABORATORY SERVICES, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this is to authorize a contract with Alloway, Inc. of Lima, Ohio for technical laboratory testing for both the Water Pollution Control Division and the Water Production Division. Last year approximately \$59,400 was spent for these services and \$65,000 will be budgeted for 2009.

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).

VIII. MISCELLANEOUS

Mr. Topovski urged residents to shovel snow around the fire hydrants so that in the event of an emergency they would be accessible.

Mr. Ansel reported that he, along with Mr. Topovski and Mr. Ulbright, attended a Joint Township Trustees meeting last week at the Wooster Community Hospital. They gave a very enlightening overview and an update of the hospital's 2008 performance and 2009 capital expansion plans. Mr. Ansel presented a \$2000 check to Mr. Dordea from the hospital to be used toward safety services or health and wellness within the City of Wooster.

Mr. Ulbright commended the Maintenance Division for a splendid job they've done with snow removal.

IX. ADJOURNMENT

Mr. Schuch moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:45 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council