

CITY COUNCIL MINUTES
February 7, 2011

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, David Silvestri, Jeff Steiner and Jon Ulbright. Barbara Knapic was not in attendance.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ansel, to approve the minutes of the January 18, 2011 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) Winter weather has been challenging but the City crews have done an awesome job salting and plowing the streets. 2) Enviro Clean neighborhood group held a meeting and the City Administration appreciated hearing their input and insight. 3) The City's day-to-day operations are moving forward and the reorganization changes are meshing together.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Council received a letter from the Wooster City Planning Commission recommending approval of zoning 3.443 acres on the northeast corner of Lot #7870, east of and adjacent to property located at 3889 Friendsville Road (Acres of Fun), to a C-5 (General Commercial) District. A public hearing was set for March 21, 2011 at 7:30 p.m. in Council Chambers at City Hall.

A notice was received from the Ohio Division of Liquor Control for the transfer of D5 liquor permit To: Mara Vee LLC, DBA ZEN, 150 W. Liberty; From: Mara Vee LLC, DBA Infinity, 1865-71 Beall Ave. Lower Level. Mr. Ansel moved, seconded by Mr. Steiner, not to request a hearing. Motion carried unanimously.

Following member of the audience spoke: Greg Gehris, 347 N. Grant (General/Wooster School Board salaries).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ulbright reminded everyone there will be a Public Infrastructure Committee meeting on Tuesday, February 22, 2011 at 6:30 p.m. in Council Chambers of City Hall. Tim Monea, Chief Building Official, will give a power point presentation on the duties of the Building Division, with an emphasis on property maintenance.

The Public Utilities Committee met on January 24, 2011 at 5:00 p.m. in Council Chambers at City Hall. Mr. Silvestri reported that Jim Borton, Utilities Division Manager, gave a comprehensive overview of the Water Pollution Control Plant and bio tower. The bio tower is up and functional but not fully operational, as the levels of good bacteria need to multiply to the point the bio tower can be used for pre-treatment of waste coming into the Water Pollution Control Plant.

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-02 AMENDING VARIOUS SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO IN ORDER TO INCORPORATE A RECENT CHANGE TO THE CHARTER OF THE CITY OF WOOSTER (Buytendyk)

Mr. Buytendyk explained that at the general election in November 2010 the voters approved several amendments to the Charter of the City of Wooster, one of which (Section 4.06) directed Council to adopt rules by which membership on a commission or board will be limited to no more than twelve consecutive years per appointee. The limitation will become effective for appointments to city commissions and boards on or after November 2, 2010. Mr. Ulbright expressed his disappointment with all the commissions being lumped together. He agreed with term limits on eleven of the twelve boards, but feels it takes a long time for a member of the Wooster Community

Hospital Board of Governors to encompass all the knowledge, wisdom and experience needed to be an effective member.

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

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

2. First Reading - ORDINANCE NO. 2011-03 AMENDING THE ANNUAL APPROPRIATION
ORDINANCE (Ansel)

Mr. Ansel explained City Council adopted Resolution No. 2006-51 authorizing the Mayor to file an application with the Ohio Department of Development for a grant under the Job Ready Sites program to defray the expense of improvements for the BioHio Research Park. The grant was awarded for the BioHio Research Park (including Secrest Road and Pounden Hall renovations). The project is now completed and the City, by the terms of the grant, must now reimburse The Ohio State University Research Foundation from the grant proceeds for the cost of improvements. Mr. Ansel said the City has been holding the funds in escrow until this time and this is just a financial matter of transferring and allocating funds. Total cost of the Pounden Hall renovation was \$1,951,483 (\$463,300 JRS Grant and \$1,488,183 OSU match). Also included in the project were upgrades to the sanitary sewer, water and storm drainage, and Secrest Road construction. Total project cost was \$5,649,874 (\$3,367,696 JRS Grant; \$1,488,183 OSU and City of Wooster \$793,995 for the water upgrade). Mr. Ansel said this is another classic case of the City receiving infrastructure and capital improvements well in excess of \$5.6 million at a cost of \$800,000 to the City.

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

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

3. First Reading - ORDINANCE NO. 2011-04 TO APPROPRIATE CERTAIN PROPERTY INTERESTS
IN REAL PROPERTY OWNED BY JOSEPH KAPPUS, ET AL. FOR PROPERTY
LOCATED AT 2410 PORTAGE ROAD, CITY OF WOOSTER, COUNTY OF WAYNE,
AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said on January 3, 2011, City Council passed Resolution 2011-08, declaring the necessity and intention of appropriating certain interests in real property for purposes of facilitating phase 1 of the Akron Road (SR 585) Improvement Project. He said eminent domain is a step the City takes reluctantly. There is a procedure ODOT requires where property owners are contacted and given a legal timeline to respond and Mr. Ulbright assured everyone that the City has followed these steps religiously and done everything possible to avoid this action. Mr. Ulbright explained there are actually three parcels, 17-WD, 17-T and 17-U located at 2410 Portage Road. Parcel 17-WD is a one fee simple interest of approximately 0.655 acres; Parcel 17-T is a temporary construction easement of approximately 0.464 acres; and Parcel 17-U is a perpetual easement for public utility purposes of approximately 0.385 acres. The property is located on the curve of SR585 and Mr. Ulbright said the road improvement would actually enhance the property value. Mr. Montgomery added this property is divided into six interested parties, four have accepted the offer and of the two who have not, one of them recently passed away.

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

4. First Reading - RESOLUTION NO. 2011-24 AUTHORIZING THE MAYOR TO ACCEPT AND FROM THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated the Wooster Fire Division applied for and received a grant from the U.S. Department of Homeland Security. The purpose of the grant is to provide funding to protect the health and safety of the public and firefighters against fire and fire related hazards. Mr. Steiner said this measure is to accept the grant funds so the Fire Division can begin the process of purchasing various items, such as power cots for squads, thermal imaging cameras, an accountability system, air compressor/cascade system and officer training/development. Fire Chief Eyler gave further details of the equipment being purchased and their uses.

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

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

5. First Reading - RESOLUTION NO. 2011-25 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY HUMANE SOCIETY FOR CAT CONTROL SERVICES WITHIN THE CITY OF WOOSTER (Steiner)

Mr. Steiner said this resolution is to renew the cat control contract with the Wayne County Humane Society who have provided feline control services for the City the last several years. The contract expired on December 31, 2011, however the amount of \$30,000 has been budgeted to extend the contract. Mr. Steiner said the City has found no other way to handle cat control and he feels the Humane Society has done an excellent job of providing these services. Of the total cats received at the Humane Society, 42% come from the City of Wooster and based on twelve months, the actual cost for services supplied to the City for cat control is \$47,172.49. Council members felt the City was receiving a good service at a good cost but expressed concern that other communities in the county are not contributing their portion and would like to see that pursued. Lisa Todaro spoke on behalf of the Humane Society.

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

6. First Reading - RESOLUTION NO. 2011-26 APPOINTING AN ASSESSMENT EQUALIZATION BOARD FOR THE AKRON ROAD PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said a portion of the costs associated with the Akron Road improvement project will be assessed to adjacent property owners. Ohio law provides that owners of property to be assessed for such improvements may make a timely objection and have their objections heard by an assessment equalization board. Mr. Ulbright said there have been four objections filed and of those four, one is outside the City and therefore cannot be assessed. He said the purpose of the resolution is to appoint an equalization board consisting of three disinterested freeholders of the City of Wooster to hear and determine all written objections.

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

7. First Reading - RESOLUTION NO. 2011-27 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER METERS FOR THE UTILITIES DIVISION (Silvestri)

Mr. Silvestri explained Resolution No. 2011-27 and No. 2011-28 are very similar regarding purchasing water meters to re-supply existing stock. Amco and Badger water meters are the only two mass produced meters that will easily function on the existing Automatic Meter Reading (AMR) system. Applications (meter size) and pricing determine the best fit between Amco or Badger. Mr. Silvestri said Badger Meter, Inc. supply Badger water meters which lend themselves well to the 2 inch and higher sized water meters. Mr. Borton gave a greater level of detail in regards to replacing water meters and their compatibility with the recently approved Aclara transmitting units.

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

8. First Reading - RESOLUTION NO. 2011-28 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER METERS FOR THE UTILITIES DIVISION (Silvestri)

Mr. Silvestri stated this resolution is in respect to Trumbull Industries, the suppliers of the Amco meters. He said these meters lend themselves well to the residential 5/8" water meters.

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

9. First Reading - RESOLUTION NO. 2011-29 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 explained this expenditure is for personnel training on the in-car reporting module to be purchased for our current Records Management System (RMS). This project will allow our police officers to file reports directly into the RMS from the field. Due to an unintentional oversight, the purchase request was not submitted earlier and the training already took place the first week of February. Cost for the training is \$14,000 and will come from four different cost centers: 1) General Fund Money from Training Funds (\$3,000); 2) Training Reimbursement Fund (\$4,000); 3) Mandatory Drug Fine Fund (\$3,000); and 4) Law Enforcement Trust Fund (\$4,000). Chief Glick said this was a 2-day training course and officers were paid at the overtime rate as they could not be taken off their regularly scheduled shifts.

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

10. First Reading - RESOLUTION NO. 2011-30 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT FOR THE PROVISION OF ELECTRONIC PAYMENT PROCESSING (Ansel)

Mr. Ansel said this initiative will offer the consumer the flexibility to pay their utility bills with their credit card, debit card or e-check. Feedback was received indicating citizens wanted the convenience of a credit card transaction. Once approved, the City will begin the process of entering into a technical services contract with a vendor to provide electronic payment processing services. Mr. Ansel said the most important component will be for the vendor to be PCI compliant, a payment confidentially interface software that provides the transaction be kept totally confidential. This formalized procedure will also allow transactions to be completed without any of the responsibility being on the City's behalf or without any records being stored on the City servers. Mr. Ansel said the

transactions will all be highly confidential and will safeguard the consumer and provide citizens the ease of payment for their public utility bill. Mr. Silvestri clarified that the processing fee will be absorbed by the City and not assessed to the resident.

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

VIII. MISCELLANEOUS

Mr. Ansel noted there is a tentative Finance Committee meeting scheduled for March 21, 2011 at 6:30 p.m. He asked Mr. Dordea to compile a financial review for the first two months of 2011, in terms of spending vs revenue and the status of the Rainy Day Fund. Mr. Ansel said he would finalize the meeting date at the next council session.

Mr. Ulbright praised the City's snow plowing crews for a job well done. He also suggested City Administration and City Council review options that may have to be taken if the State of Ohio is to cut funding to municipalities. In regards to Mr. Gehris' comments at the beginning of the meeting, Mr. Ulbright explained that Wooster City School Board and Wooster City Council are two separate entities and if he has concerns with the school board, he should address them directly.

Mr. Cavin too is concerned with the City losing potentially \$2 million of State funding and is looking forward to hearing the City's game plan.

Mr. Silvestri thanked everyone for attending the meeting.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 8:38 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council