

## **CITY COUNCIL MINUTES**

**January 17, 2012**

### **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 by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mark Cavin, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright. Barbara Knapic was absent.

Mr. Buytendyk noted a change to the agenda, with the first item of business to be Ordinance No. 2012-04, after Committee Reports; Public Hearings.

### **II. APPROVAL OF MINUTES**

Mr. Steiner moved, seconded by Mr. Sanders, to approve minutes of the January 3, 2012 meeting. Upon voice vote, motion carried unanimously.

### **III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city: 1) Congratulated Wooster Police Sgt. Kris Conwill who was presented the 2011 Officer of the Year Award in a ceremony held prior to the council meeting. 2) The Wooster Employees Association (WEA) finalized negotiations with the city administration for a 2-year collective bargaining agreement. The Mayor thanked members of the union for working with the city, agreeing to a 2-year wage and step increase freeze, with a one-time lump sum stipend of \$700 per member. The Mayor asked for council's approval of Ordinance No. 2012-04, to enter into this agreement with the WEA. 3) At the Finance Committee meeting held prior to the council meeting, the Wayne Economic Development Council contract (Resolution No. 2011-99) and the proposed Performance Audit (Resolution No. 2011-102) were discussed. The Mayor said the city administration sees merit in moving forward with both of these and would be happy to answer any questions council may have. 4) Upon the recent resignation of Director of Administration Robert Fowler, Mayor Breneman said he is opting not to refill the position at this time but rather create temporary positions within the organization to handle the duties for a 1 to 2 year period. This temporary change would help balance the budget and also avoid the time constraints involved with the hiring process. The proposed table of reorganization was distributed to council members. Mayor Breneman recommended City Engineer Joel Montgomery fill the position of Public Works Administrator to oversee the newly formed Public Works Department. In addition, Economic Development Administrator Justin Starlin would be promoted to Community Service and Development Administrator to supervise the Community Service and Development Department. Finance Director Andrei Dordea would oversee these two departments as well as the Finance Division. The Police and Fire Divisions would be put under Dick Benson, Law Director. Mayor Breneman asked for council's consideration to move this legislation forward on third reading in order to keep the day-to-day business moving forward. 5) Mayor Breneman thanked Robert Fowler for his service to the City of Wooster and wished him well in future endeavors. Mr. Fowler thanked the City for his time here.

### **IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The following members of the audience spoke: Gordon Shull, 804 Northwestern; Michael Kern, 716 Northwestern; Lee Barber, 956 Northwestern and Greg Gehris, 347 N. Grant (Safe Routes to Schools/sidewalks on Northwestern Ave./Resolution #2012-17); Erwin Riedner, 904 Forest Drive (city administration reorganization). Council addressed sidewalk concerns of those who spoke, explaining Resolution #2012-17 was to finalize the contract agreement in order to receive State funding. Once the paperwork is completed and before the project is bid out, there will be multiple public meetings held in order to receive input from residents on the logistics of the project(s).

### **V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Wooster City Council's Finance Committee held a meeting at 6:30 p.m. prior to the council meeting to discuss: 1) Resolution No. 2011-99 Wayne Economic Development Council funding and 2) Resolution No. 2011-102 proposed contract with Auditor of State for performance auditing services.

1. First Reading - ORDINANCE NO. 2012-04 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said finalizing the labor agreement with Wooster Employees Association (WEA) completes all contract negotiations with the three City of Wooster bargaining units, WEA, Police and Fire. Mayor Breneman explained the details earlier in the meeting so Mr. Ansel highlighted the economics of the contract. Comparing a 1.5% per year CPI Index of approximately \$194,800, to the \$60,340 stipend, Mr. Ansel said that would net a 2 year savings of \$134,460. Mr. Ansel thanked the WEA members for agreeing on this cost control wage and compensation package. Mayor Breneman explained both the police and fire unions agreed to freeze wages and keep step increases, whereas WEA agreed to freeze wages but not include step increases, in exchange for a signing bonus or stipend. After calculating costs, city administration concluded the stipend would be equitable to what the police and fire unions received, due to the fact that WEA has more steps than the other two unions. Mr. Benson praised the 70 members of the WEA Union saying they don't always get the recognition they deserve for the many key functions they perform within the organization. He also mentioned that WEA has taken the brunt of most of the measures the city has implemented to contain costs. Dave Case, WEA President, thanked city administration for working with them and thanked council for their consideration of this matter.

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

**VI. OLD BUSINESS**

1. Third Reading - RESOLUTION NO. 2011-102 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE AUDITOR OF STATE FOR PERFORMANCE AUDITING SERVICES, AND DECLARING AN EMERGENCY (Ansel)

On behalf of City Council's Finance Committee, Mr. Ansel thanked city administration for their diligence and deliberateness in terms of identifying this process review to validate the city's overall effectiveness, efficiency and compensation competitiveness. Mr. Ansel said there has been thorough debate on this topic and differences of opinions. City administration is confident a minimum of a \$75,000 value will be derived out of the cost of the auditing process and prove the city is operating in the upper performance criteria of other cities of the same size and scale. Mr. Ansel said the savings from not filling the director of administration position will be earmarked to cover the cost of the performance audit. Mr. Cavin feels Wooster is unique and that one size doesn't fit all in terms of recommendations we may receive from the State. He hopes Wooster isn't pigeon holed into operating under set standards as he believes numbers don't quantify the value of services Wooster provides. Mr. Silvestri said he does not feel the performance audit is a wise use of spending and believes the city is already doing its due diligence in reducing costs. He further explained the reasons he could not support spending this level of the public's money. Mr. Ansel said the city has been very proactive in its process of staff consolidation, reductions and doing more with less, but there are still people in the community who doubt the city has done all it can do. Mr. Ansel said the Finance Committee has reviewed this, has had extensive discussions and has come to a consensus recommendation that its in the city's best interest to proceed with this initiative. Mr. Buytendyk said to keep in mind this is just a possible stop gap measure, because at the rate of our spending, the city is going to run out of money no matter what we do unless we just provide minimal of services.

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

## VII. NEW BUSINESS

2. First Reading - ORDINANCE NO. 2012-01 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright explained every year this action is taken to approve and adopt the current replacement pages to the Codified Ordinances, incorporating items passed by City Council in the previous calendar year. It also updates the Codified Ordinances Traffic and Criminal code to be congruent with the changes enacted by the state legislature.

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

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

3. First Reading - ORDINANCE NO. 2012-02 AMENDING CHAPTER 123, DEPARTMENT OF ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO PROVIDE FOR THE REORGANIZATION OF THAT DEPARTMENT, AND DECLARING AN EMERGENCY (Knapic)

Referring to the ordinance and the proposed table of organization chart, Mr. Ulbright gave a detailed explanation of the proposed reorganization. With the resignation of the director of administration and in an effort to balance the budget, the Mayor proposes to leave that position temporarily vacant and reorganize the workforce to handle those responsibilities by consolidating the current departments of Development, Community Services and Organizational Support into one Community Services and Development Department. The consolidation will also merge the Engineering & Planning Divisions, integrating them into the Public Works Department. The Mayor would like to appoint Economic Development Administrator Justin Starlin as manager of the Community Services and Development Department and City Engineer Joel Montgomery as manager of the Public Works Department. These individuals would assume these responsibilities in addition to their current responsibilities. The overall administrator of the Finance Department, Public Works Department and Community Service & Development Department would be Finance Director Andrei Dordea, while Law Director Dick Benson would oversee the Safety Department. Mayor Breneman answered council's questions and said Mr. Montgomery and Mr. Starlin will be compensated, but there will still be a net savings of approximately \$85,000 by consolidating the duties of the director of administration. In the future when an administrator is hired and these individuals shed their added responsibilities, Mayor Breneman said it depends how the whole scenario rolls out, but adjustments will be made according to structure and compensation.

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

4. First Reading - ORDINANCE NO. 2012-03 ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO CONFORM TO THE RECENT PLAN OF REORGANIZATION (Knapic)

In conjunction with Ordinance No. 2012-02, approving the reorganization chart, amendments to the Management Benefits ordinance are recommended to identify and authorize modified and newly created management positions. Mr. Ulbright referred to the ordinance, citing changes to the following unclassified management positions: *Building Standards and Planning* Manager; *Engineering and Planning* Manager, newly created *Community Service and Development Administrator* and *Public Works Administrator*.

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

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

5. First Reading - RESOLUTION NO. 2012-05 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012 (Steiner)

Mr. Steiner said this is a budgeted item to replace five police cruisers. The Ford Crown Vic has been used in the past by the police division for cruisers but since that model is no longer being manufactured, the Chevrolet Caprice has been selected as its replacement. These vehicles will be fully equipped with consoles, radios, cages, gun mounts, etc. Mr. Steiner said this purchase has been delayed for a couple years and the maintenance of the existing cruisers is getting expensive. Chief Fisher provided council with further information on the vehicle model and the price break down. He said after extensive review and research, the 2012 Chevrolet Caprice is the vehicle that best suits their needs.

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

6. First Reading - RESOLUTION NO. 2012-06 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE ITEMS OF SPECIALIZED TECHNOLOGY, TO WIT: ACLARA METER TRANSMITTING UNITS FOR THE UTILITIES DIVISION (Sanders)

Mr. Sanders said this request is to purchase new meter transmitting units (MTU) which are used in the automated water meter reading system that sends water meter usage readings to the city twice a day. The MTU's have exceeded their 10 year life cycle but are beginning to fail. Mr. Sanders said of the approximate 10,000 units in use, roughly 2,500 units will be replaced this year with new units that have a 20 year life cycle. Mr. Sanders said it is critical for the city to have accurate metering for both billing and flow rates. Darrel Moser, Accounts Receivable Manager, further answered council's questions.

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

7. First Reading - RESOLUTION NO. 2012-07 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 said root control is one of the city's annual services performed to minimize the amount of roots in the sanitary sewer system. In 2011 expenditures were \$20,000 for treating 11,500 feet of sanitary sewer and those numbers are expected to be about the same for 2012. Duke's Root Control has a three year treatment warranty stating that if active roots are found in a treated line, they will retreat the line at no cost. Jim Uhler, PPM Manager, answered council's questions.

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

8. First Reading - RESOLUTION NO. 2012-08 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 explained this is another annual service contract the city enters into for mowing all city owned property such as city parks, water towers, detention basins, and the police shooting range. It has been determined there is a savings associated with contracting this service out as opposed to having the city workers perform the mowing. The contract is below \$25,000, but above \$15,000 and requires council's approval. Mr. Silvestri said the above normal temperatures could require mowing to begin earlier than anticipated, which will affect the starting time and the cost. Expenditures in 2011 were \$20,000.

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

9. First Reading - RESOLUTION NO. 2012-09 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A SOLE SOURCE CONTRACT WITH OHIO DRILLING COMPANY OF MASSILLON, OHIO, FOR SERVICES RELATED TO THE MAINTENANCE AND REPAIR OF CITY WATER WELLS (Sanders)

Mr. Sanders said this item is for the maintenance and repair of the city's production and interceptor wells. Ohio Drilling is the sole source provider for the Deming Pumps, which are the primary pumps in service in the city. Ohio Drilling is also the largest well drilling company in Ohio and the city has had good success in working with them in the past.

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

10. First Reading - RESOLUTION NO. 2012-10 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR TECHNICAL LABORATORY SERVICES (Sanders)

Mr. Sanders said this is an annual contract for regulatory required lab services at both the Water Pollution Control Plant and the Water Treatment Plant. The city is required by Ohio EPA to perform and report various analyses as conducted by an Ohio EPA approved lab. Alloway of Lima, Ohio, is an Ohio EPA approved lab. Mr. Sanders said it is more cost advantageous to use a lab testing service than to buy the equipment and do the testing in-house.

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

11. First Reading - RESOLUTION NO. 2012-11 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A SOLE SOURCE CONTRACT WITH LIPTON INDUSTRIAL SALES OF MEDINA, OHIO FOR THE PURCHASE OF VOC MEDIA FOR THE STRIPPING TOWERS IN THE SOUTH WELL FIELD (Sanders)

Mr. Sanders said it is necessary to periodically replace the VOC media in the stripping towers in the south well field. Last year the city cleaned the VOC media rather than replace it, which has been done off and on over the years to save money, but as Mr. Sanders explained, this process does not allow for the full operational capacity of the media and that is the consequence that is now being seen. The total cost of this budgeted item is \$37,000. Jim Borton, Utilities Manager, answered questions and said the city is working with ABS Materials, a local company, to bring their process up to our size capacity for future use.

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

12. First Reading - RESOLUTION NO. 2012-12 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR SPECIALIZED TECHNOLOGY SERVICES FOR THE WATER TREATMENT AND POLLUTION CONTROL PLANTS (Sanders)

Mr. Sanders said this is the replacement of programmable logic controllers and input cards that are used both at the Water Pollution Control and Water Treatment Plant. These services are necessary to maintain critical portions of both facilities. Texel Sacks of Canton, Ohio is the local Allen Bradley distributor and the parts must be purchased through them. Jim Borton, Utilities Manager, answered council's questions. He explained that part of the cost is being defrayed by an insurance claim the city had due to a flooding incident.

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

13. First Reading - RESOLUTION NO. 2012-13 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF CERTAIN MATERIALS FOR THE WATER TREATMENT PLANT (Sanders)

Mr. Sanders said this contract is for the purchase and delivery of chemicals used at the Water Treatment Plant. The chemicals include lime, soda ash, carbon dioxide and sodium hypochlorite. Jim Borton, Utilities Manager, addressed council's questions.

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

14. First Reading - RESOLUTION NO. 2012-14 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE AND INSTALLATION OF A MOTOR CONTROL CENTER FOR THE WATER POLLUTION CONTROL PLANT (Sanders)

Mr. Sanders explained this request is for the replacement of a motor control center (MCC) that was damaged in the February 28, 2011 flood that occurred at the Waste Water Treatment Plant. The MCC panel was 60% submerged in water and one of the main 400 amp breakers catastrophically failed approximately two weeks after the flood due to short circuiting across the main buss. According to our insurance company and the manufacturer, the unit is not safe to operate and said it should be replaced as soon as possible. Mr. Sanders said the WWTP has been using the unit to get by as it powers three storm pumps, several sludge pumps and also the operations building lighting outlets, computers and computer networking. Mr. Sanders said it is the epicenter of a number of important items that are needed at the Water Pollution Control Plant. Consequently, Mr. Sanders said while it is a rather large amount of money, there are not a lot of other options in terms of repairing this unit in order to assure we don't have any down time in the future. Jim Borton, Utilities Manager, confirmed the estimated total cost is \$200,000, less \$60,000 received from the insurance settlement. He also explained the existing MCC was installed in 1965 and finding parts for this unit would be difficult and expensive. The new unit will be located on a higher level where flooding will be less prone to happen.

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

15. First Reading - RESOLUTION NO. 2012-15 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION CREDIT ENHANCEMENT PROGRAM, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH (Sanders)

Mr. Sanders said this request is to authorize submitting an application for and acceptance of \$41,300 in grant money from the Ohio Public Works Commission for debt issued for the Frito Lay/Biotower improvements. Total debt issued was \$2,867,600 and is currently being paid back with sewer funds. Mr. Sanders said the OPWC funding will cover 100% of the interest incurred during and within 1 year of the completion of construction with the grant money.

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

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

16. First Reading - RESOLUTION NO. 2012-16 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this request is to authorize application for and acceptance of \$300,000 in grant money from the Ohio Public Works Commission for replacement of the waterline in the Spring Street area. This project involves the replacement of 12” and 16” waterlines connected to the Spring/Buckeye Booster Station, which is the main feed for the intermediate zone of the water system, serving over 9500 households and businesses. The funding will cover 57% of the project. Joel Montgomery answered questions regarding the grant and said he believes the likelihood of receiving this grant is fairly good.

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

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

17. First Reading - RESOLUTION NO. 2012-17 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE THREE ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOLS PROJECTS (PID 90935, 92070, and 92110) (Ulbright)

Mr. Ulbright said this request is to authorize the Mayor to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) for construction of sidewalk and crosswalk improvements in four elementary school neighborhoods. The city’s portion of the project is budgeted from the Capital Improvements Fund, but these costs will be assessed to the adjacent property owners. ODOT is funding 90% of construction and construction engineering costs. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff. ODOT will also reimburse 90% of these costs back to the city. These projects were the highest priority on the ODOT approved Wooster School Travel Plan. This plan and projects were selected based on student and parent surveys, and school officials and teacher input. Mr. Ulbright said those meetings stretched for a over year. The ODOT plan approval process can not begin until the city signs the agreement and according to Joel Montgomery, this process must begin as soon as possible in order to meet the current funding timetable. Mr. Ulbright listed the project areas and the costs for each.

**MELROSE ELEMENTARY SCHOOL**

Melrose Drive from Portage Road to Sunset

Total estimated project cost \$129,400. ODOT grant = \$116,400 (90%) and Local Funds = \$13,000 (10%).

**PARKVIEW ELEMENTARY SCHOOL**

Northwestern Avenue, Beechwood Avenue, and Westridge Avenue

Total estimated project cost \$283,700. ODOT grant = \$255,300 (90%) and Local Funds = \$28,400 (10%)

**WAYNE & KEAN ELEMENTARY SCHOOLS**

Smithville-Western Road between Ogden & Wilson; and Highland Avenue between Oak Hill & Christmas Run

Total estimated project cost \$137,100. ODOT grant = \$123,400 (90%) and Local Funds = \$13,700 (10%)

Mr. Ulbright said the whole purpose of the Safe Routes to School Program is to provide safe routes for children. Mr. Ulbright recalls the last time the sidewalk issue for the Northwestern area came up, residents weren't objecting to sidewalks, if the topography issues were worked out, but the key issue for them was cost. Mr. Ulbright said with this project ODOT will be paying 90% of the cost. Joel Montgomery said he is aware of residents concerns regarding the sidewalks and those concerns would be taken into consideration. There will be additional public meetings held closer to the point of bidding these projects out. Mr. Ulbright said he is the chairman of the Infrastructure Committee and he feels they have gone the extra mile to have open meetings and invite people to come in to express their views and to ask questions and that would continue to be his approach if the resolution is approved. Mr. Ansel said he gets confused because residents say they support sidewalk improvements and would like them, but when they have the opportunity to have sidewalks constructed with 90% of the cost paid for, they don't want them, that is confusing. He understands there are construction concerns but he has confidence that the competency of our engineering staff will be able to overcome those issues. Mr. Buytendyk said neighborhood demographics change. In twenty-five years he's seen his own neighborhood go from all young children, to all grown up children, now back to all young children. Mr. Silvestri said he by no means wants to overshadow the fact we are receiving 90% funding from the State, but he heard the residences say they have questions that haven't been answered. Mr. Silvestri remembers there being a list of fourteen issues the last time this sidewalk topic was on the agenda and he doesn't feel residents are satisfied yet and he would like to see some of the misconceptions cleared up before proceeding. Mr. Silvestri suggested leaving the resolution on first reading and possibly held for one or two more meetings, because from what he understood, if the resolution is passed, we are committed to these projects. Mr. Ulbright said he would like to see council move forward to get the funding in place since this may be a once in a life time opportunity to get 90% of the cost taken care of by ODOT. He again stressed that the Infrastructure Committee will hold as many meetings as it takes to work out the details of the construction issues and address residents concerns. He recalls at past meetings the engineering division addressing all the resident construction issues and believes they will do so again. Mr. Ansel pointed out that for the most part, it appears there is support for the Melrose and the Wayne and Kean initiatives and the only project being scrutinized is in the Parkview/Northwestern area. Mr. Ansel said if council didn't approve this grant it would jeopardize the other two initiatives. Mr. Silvestri asked if the school district were to close Parkview Elementary, could the Safe Routes to School money be better spent on other projects. Mr. Montgomery said if a school closes he would feel obligated to speak to ODOT about that, but that is out of the city's control and at this point the school system has not made that announcement yet. The city has to make decisions on what is factual right now. Mr. Montgomery said a decision by council was necessary this evening as the agreements were received three weeks ago and ODOT extended the cut off date for signing until tomorrow, January 18<sup>th</sup>. He further explained that this is just one more step in the process that started long ago when the actual legislation to apply for the money was approved by council. Mr. Buytendyk said he was on the Infrastructure Committee when this issue appeared originally with regard to this particular neighborhood in controversy. There were engineering concerns but the majority of the issues had to do with money. Mr. Buytendyk feels all the issues mentioned can be worked out and that council is obligated to seize this grant opportunity and not only save money, but provide safe routes to school for children and citizens now and in the future. Mr. Buytendyk said to hold this up is absolutely ludicrous and he implored Mr. Silvestri to suspend the rules and pass the resolution so the city can get the funding.

Mr. Ulbright moved, seconded by Mr. Sanders, to suspend the rules and place on third and final reading. Upon roll call, motion failed (Ansel-yes; Cavin-yes; Sanders-yes; Silvestri-no; Steiner-yes and Ulbright-yes). A  $\frac{3}{4}$  vote of all voting council members is needed to suspend the rules.

Council discussed calling a special meeting, if Ms. Knapic would be able to be in attendance, as the deadline for approving the agreement was within the next day. Mr. Ulbright asked Mr. Silvestri to reconsider and Mr. Silvestri again elaborated on his position and said he is not comfortable with the rushed timetable and not allowing the citizens to weigh in. He feels it's a very volatile and important issue to residents and he could not comprehend why these issues always are rushed to be passed on first reading. Mr. Ulbright reminded Mr. Silvestri that council previously voted to proceed to apply for these grant monies and that was the time to raise these issues, not now. Mr. Silvestri understood that, but said he assumed the issues would have been worked out by now with the residents and they would have a better understanding of the project. Mr. Ansel cautioned that if the city would lose this funding due to a technicality, the public would not be happy with council. Mr. Silvestri questioned how committed the city would be if this resolution was passed. Mr. Montgomery explained that council already authorized to apply for and accept the money, the next step is to complete the agreement. Mr. Montgomery feels council committed themselves

when the money was applied for. Mr. Ulbright asked Mr. Silvestri to have faith in the city's engineering division to smooth out any problems and to reconsider his vote. Mr. Silvestri said he thinks the bottom line is we are past the point of no return anyway, or at least the damage is done. If something were to change with this project it's probably going to be the same either way. With that Mr. Silvestri said he would reconsider his vote. Mr. Buytendyk said the vote tonight is not to construct but merely to accept the money, not only for the Parkview project, but for the other two projects as well. To not do anything and reconsider, the city will lose the money.

Mr. Silvestri moved, seconded by Mr. Ulbright, to reconsider the vote to suspend the rules. Upon roll call, motion passed (Ansel-yes; Cavin-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

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

18. First Reading - RESOLUTION NO. 2012-18 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, TRANSPORTATION ENHANCEMENT GRANT PROGRAM, FOR THE SR 302 MADISON GATEWAY PROJECT (PID 989273) (Ulbright)

Mr. Ulbright said this is an opportunity to get 80% funding for landscaping, signage and other gateway and corridor improvements for the City of Wooster's entrance from US Route 30 at Madison Avenue (SR302). ODOT is funding 80% of construction and construction engineering costs, or \$250,000. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff. Total estimated cost of the project is \$312,500, less \$250,000 (80%) grant funding is \$62,500 (20%) in local funds. ODOT has committed to funding 90% of the construction costs for this project in 2011 and 2012. Council already authorized application for these funds through the Transportation Enhancement Funding Program. Mr. Cavin indicated he has voted against this the last two times it has come before council. Mr. Ulbright said we have to encourage people to leave SR30 and come into our downtown to see all the improvements we've made to that area. He feels it's a wise investment to enhance our main entrance to our city for 20% of the cost. Mr. Cavin said when we're spending \$62,000 on a deficit budget, he thinks money can be better spent. Mr. Buytendyk suggested taking the funds out of the State Highway Fund as opposed to the General Fund. Mr. Ulbright has heard there is a possibility of local organizations volunteering their efforts with plantings, etc. to help defray costs.

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

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

19. First Reading - RESOLUTION NO. 2012-19 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE FRIENDSVILLE ROAD PROJECT (PID 88994) (Ulbright)

Mr. Ulbright said this request is to authorize the Mayor to enter into a cooperative agreement with ODOT for reconstruction of Friendsville Road between Milltown Road and Riffel Road. ODOT is funding 80% of construction and construction engineering costs, or \$2,132,000. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff. ODOT will reimburse 80% of these costs as well, up to \$38,800. Total estimated cost of the project is \$2,132,000 less ODOT grant funding of \$1,705,400 (80%) is \$426,400 (20%) in local funds. Mr. Ulbright said safety is the key issue here.

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

20. First Reading - RESOLUTION NO. 2012-20 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 said this is an endorsement for Murr Printing and their professionalism and support of the taping of Wooster City Council sessions for rebroadcast on the local station. This contract was put out for competitive review three years ago and Murr Printing won the contract. Mr. Ansel said they've done a commendable job, continuing to improve and refine the broadcast quality. Murr Printing has agreed to extend the contract for another three years with no price increase. Mr. Ansel thanked them for working with the city.

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

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

### **VIII. MISCELLANEOUS**

Mr. Ulbright thanked Mr. Silvestri for reconsidering his vote regarding Resolution No. 2012-17 and feels the citizens of Wooster will have the opportunity to speak before construction of the project(s). Mr. Ulbright said sometimes these meetings and decisions can be difficult, but council has been elected to serve the public and make decisions in the best interests of the entire community.

Mr. Ansel congratulated Sgt. Kris Conwill on being selected as Officer of the Year. Mr. Ansel thanked Robert Fowler for his service and contributions to the City of Wooster. He also wished Mr. Starlin and Mr. Montgomery good luck in their expanded roles, as well as Mr. Benson and Mr. Dordea in their mentoring responsibilities.

Mr. Silvestri said he appreciates the work city administration does but there have been a number of these long standing projects that have critical pieces that are right up against the deadline. Mr. Silvestri said as a council member he is working to do his part to increase the amount of public input and involvement. He challenged the administration to improve some of the timelines for requirements of passing legislation, especially the highly volatile and controversial issues, to at least allow for two readings.

Mr. Cavin concurred with Mr. Silvestri.

Mr. Buytendyk said council members were all elected by their constituents to make these decisions and sometimes there is not enough time to weigh in on every opinion. Council was entrusted to make decisions as to what they feel is in the best interest of the citizens of Wooster, both now and for future generations.

### **IX. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Steiner to adjourn. Motion carried and meeting so adjourned at 11:35 p.m.

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Michael G. Buytendyk  
President of Council

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Cheryl K. Collins  
Clerk of Council