

CITY COUNCIL MINUTES
January 19, 2010

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:36 p.m. in council chambers. The following members were present: Jon Ansel, Mike Buytendyk, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright. In light of the recent tragedy in Haiti, Mr. Silvestri asked for a moment of silent prayer for the victims and the recovery efforts. Mr. Silvestri asked everyone to rise and join in the Pledge of Allegiance.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knapic, to approve minutes of the January 4, 2010 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) The city has filed a lawsuit against Enviro Clean; 2) Wooster Community Hospital's annual update was held at Wooster Hospital on January 19, 2010, 6:00 p.m. for city council; 3) Update on Beall Avenue Streetscape; 4) 2010 Charter Review Commission member list has been compiled which he fully supports; 5) City of Wooster will hold a tri-county (Wayne, Holmes, Ashland) meeting to discuss a regional dispatch center for safety services; 4) Asked council to adjourn into executive session at the end of the meeting to discuss the potential purchase of property.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC (None)

V. COMMITTEE REPORTS; PUBLIC HEARINGS (None)

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2010-02 AMENDING CHAPTER 161, FINANCIAL PROCEDURES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY MODIFYING THE REQUIREMENTS PERTAINING TO GOVERNMENTAL FUNDS (Buytendyk)

Mr. Buytendyk explained this ordinance requires the city to replenish or set aside amounts of money at the end of every year based on the city's depreciated properties. Problem is, if the city's revenue goes down there might not be money to replenish the fund or a project may need funded which would mean tapping into that fund. In essence these dollars are tied up and the depreciation amount could increase if the city adds new infrastructure. Mr. Buytendyk indicated it doesn't make sense that the city perpetually ties up this money especially when there is an income deficit for the next several years. If the city had to take money out of the general fund to put in the capital improvement fund, then something which is funded by the general fund is going to get cut, be it services, be it employees, be it programs. The ordinance is currently written as mandatory and at the end of 2010 the city has no choice but to come up with the money unless the ordinance is changed. Mr. Buytendyk indicated he would be leaving the ordinance on second reading. Discussion followed. Mr. Dordea, Finance Director, answered Mr. Ulbright's questions regarding the original purpose of this fund, use of the money, what would happen in the event of a catastrophic event, the fund's impact on the city's credit rating, future plans to adjust the 60 days cash minimum and at what point during the year would action be needed. Mr. Ansel added this legislation gives the city a stop-gap to allow the city the flexibility to go below the depreciation reimbursement level for that year, by a council vote of super majority. This would not be for a long term but rather a short term to allow the city the flexibility to go the taxpayers and let them decide how they want to handle this. Mr. Silvestri feels it's a great cushion, a great stop gap and believes we need it, but it needs to be voluntary, something where the city has a level of discretion which can be applied as needed, case by case, year by year, constantly adjusting and making the changes necessary to adapt as a city. The ordinance remained on second reading.

VII. NEW BUSINESS

1. First Reading - RESOLUTION NO. 2010-06 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH BOYLAN & CANNON ELECTRONICS, INC. OF AKRON, OHIO FOR MAINTENANCE SERVICES FOR CITY-OWNED TWO-WAY RADIOS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated this is a renewal of an existing maintenance agreement with Boylan & Cannon Electronics who has been providing service to all of the city's departments two-way radios. This includes the repairs, maintenance, preventive maintenance and ongoing services for approximately 100 city-owned units. This is a budgeted item and is a very competitive price based on competitive reviews for this service.

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

2. First Reading - RESOLUTION NO. 2010-07 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MBI SOLUTIONS OF DAYTON, OHIO FOR BILLING SERVICES RELATED TO THE CITY EMS SERVICE, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel highlighted that MBI Solutions is a third party who specializes in EMS billing, not only throughout the state, but nationally. The city has contracted with MBI since 2004 and have been very satisfied with their service, follow-up and their net billing. MBI specializes on a variable costs basis and the city pays them 10% of the funds collected. They also handle all the re-billing, credits and miscellaneous accounting functions.

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

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

3. First Reading - RESOLUTION NO. 2010-08 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 GASCHER STREET AREA AND REPAIRS TO THE EXISTING SANITARY SEWER SERVING THAT AREA, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated the total cost of this project is estimated at \$950,000 of which \$700,000 is budgeted in the Storm Sewer Fund and \$250,000 is budgeted in the Sanitary Sewer Fund. The project will install over 3500 feet of new storm sewer, 200 feet of sanitary sewer replacement, 2900 feet of sanitary lining and separation of storm sewer connections into the sanitary sewer. The construction of the storm sewer is needed in order to comply with the city's ten year infrastructure plan and sewer separation project.

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

4. First Reading - RESOLUTION NO. 2010-09 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR A RIGHT-OF-WAY SURVEY FOR THE MELROSE DRIVE RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright indicated anytime there is a road construction project, this is one of the first things the city has to do. Council previously passed Resolution 2009-38 authorizing the hiring of a consulting engineer to design the improvements for the project. This resolution will authorize performing a right-of-way survey to find a centerline survey and plat, property descriptions, setting of property pins as required by the county map office. Although much of the engineering work will be done in-house, this is something the city has to contract for. This project has been promised \$500,000 funding thru Ohio Public Works Commission for construction this fall. Mr. Ulbright said the street was moved up on the OPWC's ranking of projects because the city provided a schedule of when it would be completed. The amount requested is slightly above \$15,000, requiring council approval, but below \$25,000, the amount requiring bidding. Mr. Montgomery, City Engineer, further explained the funding.

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

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

5. First Reading - RESOLUTION NO. 2010-10 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER METERS FOR THE UTILITIES DIVISION, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri indicated this is the third year the city has purchased Badger water meters as opposed to the Amco water meters. It is anticipated that expenditures will exceed the \$15,000 limit and therefore requires council approval but will be less than or equal to \$25,000.00, and thus exempt from the competitive bidding requirement. Depending on the size of the meter, Mr. Borton indicated the cost per meter is between \$125 to \$6000. Mr. Dordea indicated the total amount budgeted is \$25, 0000 (\$15,000 for larger meters and \$10,000 for smaller meters).

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

6. First Reading - RESOLUTION NO. 2010-11 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, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this is a reoccurring contract for the root treatment process. Dukes, Inc. offers a performance guarantee for the proprietary chemicals used in the root treatment system. Mr. Silvestri explained the procedure indicating this treatment is essential to prevent tree roots from growing into the pipes causing them to break.

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

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

7. First Reading - RESOLUTION NO. 2010-12 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER, SEWER AND STORM SEWER REPAIR PARTS FOR THE UTILITIES DIVISION, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this purchase provides for the periodic purchase of water line and sewer repair parts such as repair clamps, fire hydrants and valves. This is for inventory and as needed for emergencies. Mr. Cavin questioned the funding which Mr. Borton explained is coming out of three funds and will not exceed the budgeted amount. He also explained that HD Supply is not considered a sole source, as the city does not guarantee them all our business, but are asking to waive the bidding authorization as the total expenditures may exceed \$25,000.

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

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

8. First Reading - RESOLUTION NO. 2010-13 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE ITEMS OF SPECIALIZED TECHNOLOGY, TO WIT: ACLARA METER TRANSMITTING UNITS FOR THE UTILITIES DIVISION, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri explained the Aclara meter transmitting units are the gray boxes that transmit the drinking water usage from the city water system. According to Mr. Borton its difficult to determine how many boxes will be purchased this year as it is an up and down item. The units are purchased for replacement of older and/or failed units and for the installation of new units. The boxes cost approximately \$100 each.

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

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

9. First Reading - RESOLUTION NO. 2010-14 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 TOWER IN THE SOUTH WELL FIELD, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this is to authorize entering into a contract to purchase VOC (volatile organic compounds) media. The south well in the South Well Field contains some contaminants and VOC compounds, but once exposed to air they are no longer a contaminant, which is the process achieved with the VOC media. Mr. Borton reported on recent samplings done by the EPA and answered several of council's questions regarding the process, expenditures and ways which they are looking to reduce them.

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

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

10. First Reading - RESOLUTION NO. 2010-15 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, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri indicated this contract is with the Ohio Drilling Company of Massillon, Ohio for services related to the maintenance and repair of city water wells. This contract is not estimated to exceed the budgeted amount.

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

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

11. First Reading - RESOLUTION NO. 2010-16 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, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated the total estimated cost to purchase all the chemicals for the water treatment plant is \$300,000. Chemicals include lime, soda ash, carbon dioxide and sodium hypochlorite. Mr. Borton indicated chemical use has been down slightly which is influenced by less water being used in the system due to a more efficient process and also repairs done to leaking waterlines.

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

12. First Reading - RESOLUTION NO. 2010-17 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE HAULING AND DISPOSAL OF SLUDGES, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this request is to authorize a two year contract, \$450,000 per year totaling \$900,000, for the hauling and disposal of sludge from the Water Pollution Control Plant. This is a required process of the current treatment plant. Gallons to be hauled will be reduced significantly once the biotower is fully operational. Mr. Borton indicated the cost of this contract will be similar to the previous two year contract. Once the biotower is in place, Mr. Borton believes sludge hauling costs will be reduced by roughly 1/3. He answered several of councils questions and discussed possible ways to further reduce costs. Mr. Ulbright suggested that Mr. Borton arrange another informative meeting at the plant to help council understand the process.

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

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

13. CHARTER REVIEW COMMISSION

A roster of proposed members to serve on the Charter Review Commission was distributed (attached to minutes). Mr. Steiner moved, seconded by Mr. Ansel, to approved the roster as received. Mr. Ulbright asked if it was too late to add another person to the list as one of the individuals he had recommended for the commission declined at the last minute. Mr. Silvestri indicated by charter a minimum of nine members is required and he assumed thirteen members was the target number as that is the number that served on the last Charter Review Commission. Mr. Buytendyk indicated thirteen members seemed to be a reasonable number with one chairperson and three four-person committees.

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

14. EXECUTIVE SESSION

Mr. Steiner moved, seconded by Ms. Knapic, to go into executive session to discuss a real estate matter. Upon voice vote, motion carried unanimously. Council adjourned to executive session at 9:00 p.m.

Mr. Steiner moved, seconded by Ms. Knapic, to adjourn from executive session. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Council adjourned from executive session at 9:15 p.m.

VIII. MISCELLANEOUS

Mr. Ulbright stated he was pleased that the city has moved forward with the Enviro Clean issue and hopes the final analysis will serve the citizens well.

Mr. Ansel thanked Bill Sheron, CEO at Wooster Community Hospital, the hospital staff and the Hospital Board of Governors, for hosting the annual update for city council to review the hospital's yearly outstanding performance.

Mr. Silvestri too appreciated Wooster Community Hospital's annual update to city council and acknowledged the hospital's good work. Mr. Silvestri also noted a fee schedule was distributed by Mike Sigg, Director of Administration, in accordance with Section 123.08 of the Codified Ordinances, announcing a 10% water, sewer and storm sewer rate increase which will go into effect February 28, 2010.

IX. ADJOURNMENT

Ms. Knapic moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 9:18 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council