

CITY COUNCIL MINUTES
January 4, 2010

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, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

According to Section 2.05 of the City of Wooster Charter, Mr. Silvestri signified the first order of council's business in 2010 was to organize itself and on a two year basis elect a president pro tempore, clerk of council and adopt a committee structure.

Mr. Buytendyk moved, seconded by Mr. Steiner, to nominate David Silvestri as President Pro Tempore. Upon voice vote, motion carried unanimously.

Mr. Ansel moved, seconded by Mr. Ulbright, to retain Cheryl Collins as Clerk of Council. Upon voice vote, motion carried unanimously.

Ms. Knapic moved, seconded by Mr. Steiner, to adopt the 2010-2011 City Council Committee structure (attached to minutes). Upon voice vote carried unanimously.

II. APPROVAL OF MINUTES

Mr. Ansel moved, seconded by Mr. Steiner, to approve minutes of the December 21, 2009 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) recognized new and re-elected council members; 2) City's 2009 audit will begin next week; 3) City administration is looking into several grant opportunities.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The clerk read a notice from the Ohio Division of Liquor Control indicating KMB Management Services Corporation, DBA Wooster Inn & Restaurant, 801 E. Wayne & Patio, applied for new D5A and D6 liquor permit. Mr. Ulbright moved, seconded by Ms. Knapic, not to request a hearing. Upon voice vote, motion carried unanimously.

V. COMMITTEE REPORTS; PUBLIC HEARINGS - NONE

VI. OLD BUSINESS - NONE

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2010-01 ACCEPTING A DONATION FROM JOAN AND GENE BUEHLER FOR THE CONSTRUCTION OF A HANDICAP ACCESSIBLE WALKING TRAIL AT OAK HILL, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic pointed out this donation is for the construction of a handicap accessible walking trail at Oak Hill Park, the property which was gifted to the city from the Noble Foundation. Ms. Knapic stated this is a benefit to the community and the city is very grateful for this generous donation.

Ms. Knapic 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).

Chuck Malta, Parks and Recreation Manager, further explained that the money was donated to the Wayne County Community Foundation, which is coming to the city in the form of a grant to be used as needed as the property is developed. Mr. Malta added that this donation was an unsolicited act of kindness on the part of Joan and Gene Buehler.

Ms. Knapic moved, seconded by Mr. Cavin, 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 - 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 the existing ordinance, while an ideal the city should shoot for, effectively ties up millions of dollars in cash reserves that can never be encumbered or used. Language for the rainy day fund provides that the city must have at all times 60 days worth of expenditures, approximately \$3 million, which can never be used. Likewise, a similar provision ties up approximately \$3 million in capital improvement funds that can never be spent. Mr. Buytendyk indicated he does not know what good it does taxpayers for the city to have this money which can never be spent. He does not think it behooves the city to encumber \$6 million for no apparent good to the citizens of the City of Wooster. He indicated he would be leaving the ordinance on first reading. Mr. Ulbright asked if the amendment would only affect the capital improvement fund and not the rainy day fund, which Mr. Benson confirmed as being correct. Mr. Ulbright indicated he would like to revisit the rationale behind council's decision to pass the existing legislation, both the rainy day fund and the capital improvements. Amending the ordinance sounds very logical, but Mr. Ulbright did not want to do anything that council would later regret. Mr. Benson explained the current ordinance was adopted in 1994-1995 in conjunction with a proposed income tax increase that was twice defeated at the ballot. The reason for now changing the ordinance is because the economy has experienced a severe downturn and the city is looking at budgetary problems as we go ahead and it was the city's sense that while maintaining those artificial levels, there might be logic to having some relief, premised upon a super majority voting for approval. Assuming the legislation is adopted, Mr. Benson indicated it would be council's choice, at the necessary time, to adopt the adjusted version of the budget or to cut it from some place else in the budget to make it balance. The legislation would require six out of seven council members to approve circumventing the requirement to maintain the depreciation level in the fund at the end of each year. There was an in depth discussion and city administration answered questions from council members regarding the amendment. The legislation remained on first reading.

3. First Reading - RESOLUTION NO. 2010-01 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH SUNGARD PUBLIC SECTOR, INC. OF CHICO, CA FOR APPLICATION SERVICE PROVIDER ("ASP") SERVICES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated this is a contract renewal with SunGard Public Sector, Inc., formerly SunGard Public Sector Bi-Tech, for Application Service Provider (ASP) services which they have provided since 2007. The ASP hosts software, purchase and upgrade hardware as needed, provide off-site storage of files, and provide disaster recovery services. They also currently host the two databases that operate the City of Wooster, one for the Production account and a separate Test account, on multiple servers. Contracting for these services costs significantly less than if done in-house. The contract price for the renewal is expected to be CPI + 2%. The full amount of the contract has been budgeted in the General Fund although Mr. Ansel indicated the entire amount would probably not be used due to the CPI index.

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; 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).

4. First Reading - RESOLUTION NO. 2010-02 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH SUNGARD PUBLIC SECTOR, INC. FOR TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT AND HUMAN RESOURCES DIVISION SOFTWARE, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated this contract corresponds to the previous contract with SunGard Public Sector. It is the annual contract renewal for the on-going maintenance agreement with SunGard Public Sector which allows access to the Help Desk for all required assistance services that relate to the client management services for accounting, finance and human resource departments. It is a help desk referral that has questions and answers available 24/7, 365 days a year. The contract price for the renewal is expected to be CPI + 2%. The full amount of the contract has been budgeted for but will probably be less than that because of the CPI index.

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 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).

5. First Reading - RESOLUTION NO. 2010-03 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS, AND DECLARING AN EMERGENCY (Cavin)

Mr. Cavin indicated this contract is with Miller Cab for providing transportation services to qualified participants in the City of Wooster. For more than ten years the city has subsidized this taxi program and Mr. Cavin feels it is a worthwhile project. Mr. Malta, Parks & Recreation Manager, gave statistics and further explained the program. In 2009, 774 riders were serviced but Mr. Malta feels the numbers are going to be down based on ridership numbers through November. Riders seem to be buying passes only on an as need basis and several agencies who used to purchase the passes are now out of business.

Mr. Cavin 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. Cavin 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).

6. First Reading - RESOLUTION NO. 2010-04 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 (Cavin)

Mr. Cavin indicated the Recreation Division sponsors a year round program of competitive sports activities, and requires the services of individuals and organizations experienced in serving as coaches and managers for the various activities and the Wooster Soccer Association is able to provide these services. Mr. Malta gave program statistics and explained the city collects the money, keeps a small portion for administrative services and the remainder of the money goes to WSA who in turn pay all the expenses for running the soccer program. There are no tax dollars being used for this program which serves all of Wayne County and the five surrounding counties. Mr. Malta feels it's a great benefit to the city as participants come into Wooster and spend money in Wooster.

Mr. Cavin 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. Cavin 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).

7. First Reading - RESOLUTION NO. 2010-05 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 (Cavin)

Mr. Cavin indicated this contract is with Wooster Summer Baseball for officiating services for city-sponsored competitive sports activities. Mr. Malta stated the city contracts with Wooster Summer Baseball to run the summer baseball program but in addition they are also hire all the referees and scorekeepers for the basketball and volleyball programs as well.

Mr. Cavin 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. Cavin 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).

VIII. MISCELLANEOUS

Mr. Ulbright stated he is looking forward to working with council members in the new year. Also, on January 7th a private meeting will take place between EnviroClean, the City of Wooster and Bureau Veritas consultants. Mr. Ulbright indicated he is looking forward to hearing the results of the meeting and hopes it will be a giant step towards solving the EnviroClean problem.

Mr. Buytendyk expects to have immediate action regarding the EnviroClean issue and if not, to initiate suit against them. Mr. Buytendyk also thanked Joan and Gene Buehler for their generous donation to Oak Hill Park.

Mr. Ansel welcomed new members to council and also wished city administration luck with the upcoming EnviroClean meeting, as it is a very important issue for the residents.

Ms. Knapic thanked council for making her feel welcome and thanked the Ward 2 voters for giving her this opportunity. She would like the citizens to feel free to contact her at anytime with complaints or concerns. Ms. Knapic also thanked the Buehlers for their generous donation.

Mr. Cavin too anticipates receiving productive information from the EnviroClean meeting. He also thanked Joan and Gene Buehler for their very generous contribution to the city's park system.

Mr. Buytendyk requested council members provide him with names of individuals to serve on the Charter Review Commission. At least one person from each ward is needed.

Mr. Silvestri thanked council for their vote of confidence in re-electing him as President Pro Tempore for Wooster City Council.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 8:36 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council