

CITY COUNCIL MINUTES
SPECIAL MEETING
July 23, 2012

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the special meeting of Wooster City Council to order at 6:00 p.m. in council chambers. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright.

Mr. Buytendyk indicated the agenda would be modified to allow for an executive session at the end of the meeting, after new business, to discuss the city pools.

II. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2012-21 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY THE ADOPTION OF AN AMENDMENT TO SECTION 1149.03(c)(4) DEALING WITH NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND (Knapic)

Mr. Buytendyk said the special meeting was called to address this ordinance as council had to act within 60 days of receiving Planning Commission's proposed change to Section 1149.03(c)(4) of the zoning code. Mr. Buytendyk asked that the Laws & Ordinance Committee look into changing the rule that forces council to act within 60 days by extending it to 90 or 120 days. Ms. Knapic thanked everyone who worked on this issue as she said a lot of time was spent trying to come to the best possible resolution. She said council was pressed for time as a decision needed to be made by July 24th. The Laws and Ordinance Committee held a meeting on July 9, 2012 at 6:30 p.m. to discuss the proposed modifications to the amendment and Ms. Knapic said the most recent proposed amendment was attached to Ordinance No. 2012-21 as Exhibit A.

Ms. Knapic moved, seconded by Mr. Ulbright, to amend the amendment to reflect Exhibit A for Ordinance No. 2012-21. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic 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; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

2. Second Reading - RESOLUTION NO. 2012-66 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO TO DEVELOP AND IMPLEMENT AN EDUCATION AND COMMUNICATION PROGRAM WITH INFORMATION DERIVED FROM THE COMMUNITY SURVEY, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said council has had three weeks to deliberate this issue and while it is a significant expenditure, there has been a lot of discussion regarding the importance of this public awareness initiative. The results of the initial public survey assessment indicated citizens are unaware of the financial challenges ahead of the City of Wooster and the proposed ramifications of the city's budgetary shortfall forecast for 2013 and beyond. Mr. Ansel said in discussions with city administration and several community leaders throughout the city, there is a consensus opinion to move forward with this initiative, allowing the Impact Group to communicate to the voters the potential impact if the city is unable to secure addition funding in 2013. Mr. Ansel said he would move the resolution to third and final reading unless council members had concerns. Mr. Ulbright asked that the resolution be left on second reading as he was not prepared to make a final decision and felt the vote could wait until the August meeting. The resolution remained on second reading.

III. NEW BUSINESS

1. First Reading - RESOLUTION NO. 2012-68 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF THE MADISON GATEWAY PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright explained Resolution No. 2012-18 was to authorize entering into a funding agreement with ODOT for a \$250,000 grant obtained through the Transportation Enhancement Funding Program. The estimated cost of the Madison Gateway project is \$371,000 of which the grant will cover \$250,000 and local funds will cover \$121,000. The project is for the construction of landscaping, signage and other gateway and corridor improvements for the entrance to the city from US Route 30 at Madison Avenue (SR302). Mr. Ulbright said our city has a lot to offer in the downtown as well as the entire community, and the incentive of this gateway project is to create an attractive entrance to entice travelers to stop and visit our city. Mr. Ulbright feels this is a good investment and hopes someday there can be a similar beautification project for the US Route 30 entrance ramp at State Route 3.

Mr. Ulbright moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-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 6-1 (Ansel-yes; Cavin-no; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. First Reading - RESOLUTION NO. 2012-69 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ENTER INTO A CONTRACT WITH URS CORPORATION OF COLUMBUS, OHIO FOR AN EVALUATION OF ALTERNATIVES TO UPGRADE THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this request is to enter into a contract with URS Corporation of Columbus to perform an engineering and economic alternative analysis for biosolids treatment and disposal for the wastewater treatment plant. The analysis will include investigations of technical feasibility and present a worth cost analysis of life cycle costs for capital, operating and maintenance and repair expenses for several alternatives. The study is part of the first overall general plan for the improvements to the wastewater treatment plant which will be required by EPA as part of the Findings & Orders issued in February of this year. City Engineer Joel Montgomery informed council that a letter was received from EPA, indicating they agreed with everything in the URS study and the city will need to submit the final design to EPA by January 16, 2013.

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

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

3. First Reading - RESOLUTION NO. 2012-70 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH WOOSTER COMMUNITY HOSPITAL FOR HEALTH AND WELLNESS SERVICES, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner said the city wanted to establish a health and wellness program for the fire department since 2000 but were unable to institute it until 2011 when federal funding became available, however, those federal funds are no longer offered. Mr. Steiner said \$35,000 was included in the 2012 budget for the fire division's health and wellness program but the contract request was overlooked until now. The collective bargaining agreement between the city and the IAFF Local 764 provides for a program of health and wellness services and Wooster Community Hospital is

able to provide such services. A lengthy discussion followed with council expressing their concerns and Fire Chief Eyler addressing questions. Chief Eyler indicated federal funds covered 90% of the program last year and he further explained the costs were for inoculations for blood borne pathogens, annual physicals and auxiliary services related to health and wellness.

Ms. Knapic questioned if city-owned Wooster Community Hospital should be charging the City of Wooster for a health and wellness program. She said recently the hospital donated \$40,000 to the Wooster City Schools for a training program and she wondered why the hospital wouldn't be willing to give \$35,000 to a city entity for the fire department which services the entire community. She said on that basis she would vote no, even though she felt the fire department needs this program, she did not think the city should be charged from its city-owned facility. Mayor Breneman said the training services the hospital provided the city schools was different than the physicals for the fire division. He said the hospital is established as an enterprise fund and it is illegal for the city to pull funds out of an enterprise fund for general fund purposes. However, the city entities do trade funds back and forth in compliance with the general accepted auditing standards.

Mr. Ansel did not understand why the firefighters premier healthcare policy wouldn't cover annual physicals and blood work as part of their standard insurance premium costs. He questioned if there was accountability for the health and wellness program and if a similar type wellness program is offered to the police division. Law Director Dick Benson explained physicals done through the health and wellness program are mandatory, whereas physicals are a voluntary feature of the health insurance and not all employees elect to have them done. The health and wellness program was negotiated between the city and fire union under the state collective bargaining agreement. Mr. Benson said there is a provision in the contract that sets up a health and wellness program for both police and fire, and the police negotiated a different arrangement. Mr. Ansel said if the health and wellness program is a mandated contractual item in the collective bargaining agreement that the fire union, city administration and council agreed to, and if it is a budgeted item, then the city is contractually bound to the agreement.

Mr. Cavin asked if the city would be willing to approach the hospital and ask for a voluntary service. Mayor Breneman explained the hospital does not employ the doctors, Bloomington Medical Services does, but he would be happy to visit with the hospital to see if there is any type of provision that they might consider.

Mr. Sanders also questioned the accountability of the program and if firefighters who took the physical last year have followed the prescribed regimen. Chief Eyler said HIPAA regulations preclude the city from obtaining personal data, such as if any conditions were found and are being treated. However, insurance premiums may be reduced due to the health and wellness program.

Mr. Silvestri said it would be much easier for him if there was some level of certainty from our insurance company that premiums would be reduced due to this program, or if one physical could offset the cost of the other physical. Mr. Silvestri feels 100% accountability should be required in the program, as the job relies on physical condition.

Mr. Buytendyk said he doesn't understand how a health and wellness program works where there are no remedial measures imposed and how the program will save the city money. He understands it is incorporated into the bargaining contract but doesn't understand what benefit the tax payers are getting if the employees involved aren't following the prescribed wellness plan. He said the firefighters are getting services over and above what is being offered to the average city employee, and the city should get a benefit from it.

Mr. Ulbright said there is a gray area where the city cannot legally demand information from the physicals and yet it sounds logical that the city would receive those results to see if the firefighters abide by the wellness dictated.

Mr. Steiner said the insurance company is not going to lower premiums just because of the health and wellness program, they will want to monitor the situation over several years to see if there are lower claims as a result of the program.

Mr. Ulbright asked if the resolution could be left on first reading so administration could provide further answers. Mr. Buytendyk said seeing it is budgeted and the city is contractually obliged, the time for examination would be at

the next contract negotiations, to see if the program should be continued or modified. Mr. Ansel too said its clear the city has a contractual obligation that was pre-negotiated, funding is in place not to exceed \$35,000 and city administration is going to solicit feedback from the hospital in terms of funding associated with the physical exams or lab expenses. Mr. Steiner said he wanted to bring the issue to a vote, as the administration is going to try and negotiate a lower price for this service with the hospital, and there is a contractual obligation to fill.

Mr. Steiner moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried 5-2 (Ansel-yes; Cavin-yes; Knapic-no; Sanders-yes; Silvestri-no; Steiner-yes and Ulbright-yes).

IV. EXECUTIVE SESSION

Mr. Steiner moved, seconded by Ms. Knapic, to go into executive session to discuss the city pools. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

V. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic to adjourn. Motion carried and meeting so adjourned at 8:11 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council