

CITY COUNCIL AGENDA - Amended

June 6, 2016

7:30 p.m.

All meetings are held in Council Chambers, 1st Floor, 538 N. Market Street

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS/PUBLIC HEARINGS**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**

- 1. First Reading- Ordinance 2016-16 -AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PREANNEXATION AGREEMENT WITH CERTAIN PROPERTY OWNERS FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THOSE PROPERTIES, AND DECLARING AN EMERGENCY (Sanders)
- 2. First Reading- Resolution 2016- 35 -A RESOLUTION PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2017 (Ansel)
- 3. First Reading- Resolution 2016- 36 -A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR REPAIRS TO THE INFLUENT SEWAGE SCREENING EQUIPMENT AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY (Sanders)
- 4. First Reading- Resolution 2016-37 -A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR LEGAL SERVICES IN CONNECTION WITH THE LITIGATION OF CERTAIN ISSUES RELATING TO THE ISSUANCE BY THE OHIO DIVISION OF NATURAL RESOURCES OF A PERMIT TO ENVIROCLEAN SERVICES TO PROCESS CERTAIN POTENTIALLY HAZARDOUS SUBSTANCES, AND DECLARING AN EMERGENCY. (Sanders)
- 5. First Reading- Resolution 2016-38 - A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT AND A COMPANION CRITICAL INFRASTRUCTURE GRANT; TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY. (Myers)

VII. MISCELLANEOUS

IX. ADJOURNMENT

WOOSTER CITY COUNCIL MINUTES
May 16, 2016

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. All members of City Council were present. City Administration present: Mayor Bob Breneman, Finance Director Andrei Dordea, Director of Administration Joel Montgomery, Law Director Richard Benson, Fire Chief Barry Saley, Development Coordinator Jonathan Millea, and City Engineer Roger Kobilarcsik.

II. APPROVAL OF MINUTES

Councilwoman Knapic moved to approve the minutes of the May 2, 2016 meeting, seconded by Councilman Silvestri. By voice vote the motion passed unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman shared his thoughts on the transportation discussion held earlier during the Health and Leisure meeting. This has been something the City has been working on for at least a year. It's been a part of the City since the early nineties. Due to increased gas prices, most of the providers were driven out of business. The Committee reviewed the transportation program to ensure it was fitting to the current needs of the City. The Mayor fully supports the changes and believes it's the right plan, at the right time.

Christmas Run Park is open. There was a soft opening last Friday. The grand opening will be June 14th.

The Mayor encourages council to support the EZ application concerning the LuK Enterprise agreement. This is a great opportunity for the City and will bring 250 new jobs to Wooster.

Lastly, the Mayor asked Council to approve Ms. Linda Applebaum as our new Law Director for the City of Wooster.

President Buytendyk moved for unanimous acclimation of the Mayor's nomination of Linda Applebaum to become the next Director of Law. By voice vote the motion passed unanimously.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

- Change in stock ownership to El Campesino Enterprises, Inc. Liquor License.

Councilwoman Knapic moved to waive a hearing, seconded by Councilman Silvestri. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Councilman Myers, who chaired the Health and Leisure Committee meeting, reported there was great discussion on the proposed changes. Several service providers, as well as representatives of Community Action of Wayne/Medina Counties, were present.

On behalf of the Finance Committee, Councilman Ansel would like to propose a schedule for consideration of the annual Tax Budget. The first reading will be of the 2017 Tax Budget on June 6th. On June 20th, before City Council session there will be a general review at 6:30pm. A public hearing will be held during the Council meeting, along with the second reading. On July 5th, the third reading will occur and a vote will take place, if it's not passed after the second review. It has to be passed by July 15th and has to be submitted to the County Auditor by July 20th.

VI. OLD BUSINESS [None]

VII. NEW BUSINESS

1. First Reading- RESOLUTION 2016-30 - A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY (Ulbright)

The City of Wooster desires to enter into a written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid. The contract will require the City to purchase 90% of its salt from the awarded supplier as well as purchase a minimum of 4,000 tons of salt each year for the next two years. The City has never entered into an agreement such as this before. With an unstable salt market it is difficult to predict and budget salt prices from year to year. Partnering with ODOT will allow the City to purchase salt at a fixed price and minimizes the risk of paying higher prices. In past years, during severe inclement weather, salt had been hard to find and emergency salt prices were significantly above normal purchase costs. The City will have the availability to access more without paying the emergency price. With the contract, salt prices will be capped at 110%. The City can no longer reliably find cheaper salt through other resources.

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

2. First Reading - RESOLUTION NO. 2016-31 - A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS (Ansel)

Councilman Ansel stated that the municipal Tax Incentive Review Council (TIRC) reviewed the existing Enterprise Zone (EZ) agreements and recommended that all active agreements should be continued in effect. The 2015 active agreements have resulted in the creation of 162 jobs and retention of 2,492 jobs. The program is working exceptionally well.

Councilman Ansel moved to suspend the rules and place on third and final reading, seconded by Councilman Silvestri. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes). Councilman Ansel moved, seconded by Councilwoman Knapic, to adopt. Upon roll call, motion to adopt Resolution was passed 6-1 (Ansel-yes; Cavin-no; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2016-32 - A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

Councilman Ansel explained that the TIRC reviewed the existing Community Reinvestment Act (CRA) agreements for the past year and recommended that all such agreements should be continued in effect. Since 2005, the agreements have resulted in \$27,893,792 in new property improvements, while creating 144 jobs and retaining 261 jobs, primarily in Downtown Wooster. Through this program, approximately \$1.3 Million was invested in residential community and development.

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

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

Note: Mr. Cavin had to leave the meeting to attend to an urgent personal matter.

4. First Reading- RESOLUTION NO. 2016-33 - A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR CERTAIN IMPROVEMENTS AT CHRISTMAS RUN PARK; TO ACCEPT SUCH A GRANT IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Myers)

Councilman Myers noted that the Ohio Department of Natural Resources (ODNR) has funds available for public recreation purposes. The City of Wooster would like to re-purpose the existing upper courts at Christmas Run Park for the use as pickleball courts. Tennis popularity has been on the decline while pickleball has been on the rise. If the grant is awarded, the new courts would mean possible tournaments and additional patronage for the City's businesses, hotels, and restaurants.

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

Note: Mr. Cavin returned to the meeting.

5. First Reading- RESOLUTION NO. 2016-34 - A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH COMMUNITY ACTION OF WAYNE/MEDINA COUNTIES FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS (Myers)

The City would like to propose that Community Action of Wayne/Medina Counties (CAW/M) become the administrator of the Taxi Pass Program to create better and more efficient use and promotion. Funds have already been budgeted and approved for transportation service.

Ms. Knapic recused herself from consideration of the matter due to a client conflict.

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

6. First Reading- ORDINANCE NO. 2016-15 - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH LUK USA, LLC, FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Councilman Ansel explained that the Enterprise Zone agreement would allow for the abatement of 75% of real property for ten years with the provision that LuK USA, LLC would remain in Wooster for an additional year for each year of the abatement. This agreement would retain 1,859 employees, while creating another 250 jobs.

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

VIII. MISCELLANEOUS

Councilman Cavin offered congratulations to Ms. Applebaum. Councilwoman Knapic also wanted to welcome Ms. Applebaum as new Law Director and to thank the Mayor as well. Councilman Sanders announced that on June 13th at 6pm, at Council Chambers, they will have a Public Utilities Committee meeting to receive further updates regarding the work that is going on at the waste water plant with Quasar. Councilman Silvestri congratulated Ms. Applebaum to her appointment and to Ms. Sturgeon as Clerk of Council. Finishing up the evening, Councilman Ulbright congratulated the Council on the LuK Enterprise agreement and stated the repurpose of the tennis courts to accommodate pickleball would be a good use of the space. He also congratulated the new Law Director. It is fantastic and great news for the City of Wooster.

IX. ADJOURNMENT

Councilman Ulbright moved to adjourn, seconded by Councilman Silvestri. By voice vote the motion passed unanimously.

Michael G. Buytendyk
President of Council

Christa Sturgeon
Clerk of Council

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Utilities/Sewer Fund	Meeting Date Requested June 6, 2016
Project Name Emergency repairs to Andritz influent sewage screening equipment	Approved for Agenda
Estimated Total Cost \$150,000 (sewer fund)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase Request for authorization to expend funds (through specialized technology) in excess of the bid requirement of \$50,000 for the repair of plant equipment and to perform an Interdepartmental transfer of funds from the Sewer/Engineering Capital Improvements Budget to Sewer/Plant Capital Budget. The urgency of this repair takes precedence over the Friendsville Road Pump Station and Stibbs Sanitary Sewer Line projects which will be deferred until 2017.	
Justification / Benefits The repairs are required to prevent additional damage to the screening units as well as reduce wear on downstream equipment. During the current plant construction project, as tanks have been taken offline and drained, disproportionate amounts of debris, rags and grit have been found throughout the various processes. The screen manufacturer was contacted to verify performance of debris removal. The manufacturer's representative did an on site inspection of the screens and determined that several critical parts have excessive wear and failure is probable, if not imminent.	
Will This Project Effect the City's Operating Costs Repairs will extend the life of downstream equipment, thus reducing wear and future maintenance expenses.	
What Alternatives Exist and What Are The Implications of The Alternatives Failure to repair the equipment will continue to allow debris to enter the plant processes and expedite further wear on downstream equipment which will cause increased maintenance and repair costs, equipment failures and permit violations.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances The replacement parts are only available from the screen manufacturer. Parts will be provided by Andritz, labor may be Andritz or a local fabrication facility.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons The goal is to make the repair before the equipment experiences a catastrophic failure. A major failure could cause additional damage to the mechanical system and require replacement instead of refurbishment.	
Division Manager Kevin Givins	Date May 23, 2016

RESOLUTION NO. 2016-37

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR LEGAL SERVICES IN CONNECTION WITH THE LITIGATION OF CERTAIN ISSUES RELATING TO THE ISSUANCE BY THE OHIO DIVISION OF NATURAL RESOURCES OF A PERMIT TO ENVIROCLEAN SERVICES TO PROCESS CERTAIN POTENTIALLY HAZARDOUS SUBSTANCES, AND DECLARING AN EMERGENCY

WHEREAS, this City Council authorized the Director of Law to engage the firm of Frost Brown Todd, LLC of Columbus, Ohio for legal services related to the litigation of certain issues pertaining to the issuance by the Ohio Division of Natural Resources of a permit to Enviroclean Services to process certain potentially hazardous substances; and

WHEREAS, additional costs were incurred in the process of discovery and litigation preparation, and additional costs were incurred over two days of hearing before the state Oil and Gas Commission, including the costs of an expert witness and the cost of post-hearing briefs; and it is, therefore, necessary to authorize payment of \$77,190.61 in funds to cover the outstanding expenses and the costs attendant to the trial of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Finance is authorized to issue payment to Frost Brown Todd, LLC in the amount of \$77,190.61, the amount is hereby appropriated in the Water Pollution Control Fund.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to issue payment for these services, which are now concluded, and resulted in a favorable outcome for the city of Wooster; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2016 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2016
Mayor

Introduced by: Craig Sanders

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Requested is Council's permission to apply for a \$79,000.00 Small Cities Community Development Block Grant (CDBG) FY 2016 Allocation Grant through the Ohio Development Services Agency (ODSA), in addition to a \$300,000 Critical Infrastructure Grant. Two public hearings are associated with this grant, the first having been held on April 1, 2016 and the second scheduled for June 14, 2016. Contingent upon analysis of final comments received, the following projects have been identified and proposed for the 2016 Allocation Grant:

1. \$11,800.00 in funding for the Viola Startzman Free Clinic to support medical services to low-to-moderate income individuals who are uninsured or underinsured (the maximum amount permitted for public services for this grant).
2. \$67,200.00 in funding for public facilities, specifically the Liberty Street Signaling System Replacement. This project involves four traffic and pedestrian signaling system upgrades at four intersections constituting the North Street Corridor, enabling safe travel for pedestrians and vehicular traffic (Liberty & Grant, Liberty & Columbus, Liberty & Market, Liberty & Bever, Liberty & Buckeye.) All signaling systems, in excess of 25-years old, have deterioration rated as either severe or critical, posing a risk to health and safety on a central Downtown corridor. Crosswalk improvements, curb-ramps, and pedestrian signaling will enable safe access along and across North Street, providing critical access to Downtown services and amenities. At the same time, the signaling systems will ensure safe traffic flow along Liberty Street. (Total project cost estimated to be \$600,000 minimum.)

Additionally, the following project has been identified and proposed for the *competitive* 2016 Critical Infrastructure Grant.

1. \$300,000 in funding for the Liberty Street Corridor Signaling System Replacement.

The City of Wooster will seek permission (separate of this request) to allocate the \$5,016 from its CDBG Economic Development fund to the Liberty Street Signaling System Replacement project, as ODSA has advised that these funds be spent on a qualified project. Structuring the grant request in this fashion maximizes the opportunity for the City to obtain \$300,000 for a critical and necessary \$600,000 project. Utilizing \$67,200 in Allocation funds and spending down the \$5,016 CDBG Economic Development fund not only provides an additional \$72,216 for matching funds, but also enhances scoring. In total, the City will be seeking to obtain and/or allocate \$372,216 in CDBG funding for a critical \$600,000 project.

In the event the Critical Infrastructure Grant is not funded, ODSA will request that the City submit a qualified project for the \$67,200 in Allocation funds and \$5,016 in CDBG ED funds later in the year. Alternative projects advertised are the repaving of Henry Street and South Street.

Is there a need for rules suspension or time limitation when this must be passed?

Other grant pursuits impacted our timeline for presenting this request. A suspension of the rules will be required in order to meet a June 17, 2016 filing deadline for the proposed grant with the Ohio Development Services Agency.

Manager Requesting

Date

Approved for Agenda