

**CITY COUNCIL MINUTES**  
**March 19, 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, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright.

Law Director Dick Benson requested council to go into executive session at the end of the meeting to discuss pending litigation.

**II. APPROVAL OF MINUTES**

Mr. Steiner moved, seconded by Mr. Silvestri, to approve minutes of the March 5, 2012 meeting. Upon voice vote, motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city: 1) Jim Borton, Utilities Manager, resigned from his position at the City of Wooster. Kevin Givins, who has served as the Assistant Utilities Manager, was chosen to fill the Utilities Manager position. Mayor Breneman said that due to reductions in the budget, the assistant utilities manager position will not be filled but rather adjustments in supervisory positions will be made.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC (none)**

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Ms. Knapic scheduled a Laws and Ordinances Committee meeting for Monday, March 26, 2012, at 5:30 p.m. in Council Chambers at City Hall to discuss: 1) an amendment to the income tax ordinance and 2) legislation addressing meth lab cleanups.

Mr. Buytendyk noted that a Public Hearing is scheduled for Monday, April 16, 2012 at 6:45 p.m. in Council Chambers at City Hall regarding an amendment to the City of Wooster's Zoning Code, Section 1149.03 (c)(4).

Mr. Ulbright also reminded council members of the Public Infrastructure Committee meeting set for Monday, April 2, 2012 at 6:30 p.m. in Council Chambers at City Hall, to discuss 2012 infrastructure projects including state and federally funded projects, 2012 paving projects and Safe Routes to School project update.

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. First Reading - **INFORMAL RESOLUTION-IN OPPOSITION TO THE STATE OF OHIO SEEKING TO ASSUME CONTROL OVER THE COLLECTION OF MUNICIPAL INCOME TAXES**

Mr. Ansel said many municipalities are voicing their concerns about the proposed statewide initiative wherein the State Department of Taxation would control the collection of municipal income taxes. Mr. Ansel said municipal income tax collection is the city's single largest revenue source and therefore it is very important to maintain this locally. He explained that financial interference or delays in collecting the tax revenues would have an encumbrance on our fiscal operations and he feels the city's 27,000 residents are best served by the process being handled locally. Mr. Ansel said the city would like to circumvent this process and abide by the Ohio Constitution which allows us to engage in self government pursuant to the city's adoption of a local charter and local ordinances. Andrei Dordea, Finance Director, said the state is seeking uniformity of the tax collection process, which he understands, but he doesn't want to see the state control the collection of municipal income taxes. The City of Wooster's tax receipts account for 59% of the general fund revenues and last year \$9.4 million was collected in

income taxes. He said delays in collecting these tax revenues could affect services and issuing payments. Council members voiced their support of maintaining this important process locally and signed the informal resolution in opposition of the initiative.

Mr. Ansel 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).

2. First Reading - ORDINANCE 2012-07 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Steiner)

Mr. Steiner said the Justice Center's heat-recovery chiller needs to be replaced and the City of Wooster and Wayne County have a joint maintenance agreement for the Justice Center operations. The total cost of the Justice Center's chiller replacement project is \$156,563 and the city's share is 29% or \$45,403. To account for overages, \$50,000 is the amount to be appropriated in the Capital Improvements Fund and Mr. Steiner indicated it is not a budgeted item. A representative from Honeywell was in attendance and gave a thorough explanation of the proposal and timeline for delivery and installation of the unit, which they hope to have operational by mid-May. Also in attendance to provide input about the chiller replacement were representatives from the Justice Center, Wayne County and Hinkel Engineering.

Mr. Steiner moved, seconded by Mr. Sanders, 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. Steiner moved, seconded by Mr. Silvestri, 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 2012-37 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO FOR SERVICES RELATED TO THE PREPARATION AND ADMINISTRATION OF A COMMUNITY SURVEY, AND THE DEVELOPMENT OF COMMUNICATION STRATEGIES RELATED THERETO, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this initiative, as outlined in the resolution, states that in anticipation of further reductions in municipal services, Mayor Breneman has recommended that the city enter into a contract with The Impact Group of Hudson, Ohio for the preparation and administration of a survey designed to identify and prioritize the delivery of community services, and also to assist in the development of strategies for the communication to the public of budgetary issues facing the municipal government. Mr. Ansel said it is very important to create a comprehensive summary of the public's wants and to generate public awareness regarding the impact associated with the consequences of our future income tax increase initiative. Mr. Ansel said this survey will correlate with the State Auditor's performance audit that is currently underway, to validate the efficiencies and effectiveness of our city government and to establish how Wooster compares to other municipalities our size. He said initially there was discussion about College of Wooster students performing the community survey, however, The Impact Group focuses on doing this for municipalities throughout the state and Mr. Ansel said that is significant, to have a tested agent provide this survey versus a well intended group of college students, for the same price. The Impact Group submitted two proposal and Mr. Ansel asked that council members review them in terms of the scope of work being proposed. The cost of the contract will not exceed \$25,000.00, of which amount \$12,000.00 is budgeted in the CDBG Fund and \$13,000.00 from the General Fund. Mr. Ansel highlighted a couple noteworthy items. The initial survey will be a poll completion representing about 2,000 homes or residents within the City of Wooster. Mr. Ansel said the real unique component of this survey in the proposal is the margin of error based on the feedback that we'll receive. There is a 95% confidence level based on the format that this company has used in the past with other municipal clients and we have a plus or minus 5.5% margin of error. He said the feedback we get back from this

survey is going to be pretty indicative of what the residents in Wooster are feeling regarding the city services and the priorities of those services as it impacts our community. The second component is the public awareness, how this is going to be communicated effectively to ensure the voters understand the consequences of their vote in November or April. Having educated voters, Mr. Ansel said, is so important. Funding for this portion of the survey will be provided through grant monies. Mr. Ansel said he wanted to leave the resolution on first reading so council could review the two proposals. There was much discussion and city administration answered council's questions. The resolution remained on first reading.

4. First Reading - RESOLUTION 2012-38 AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO A CONTRACT WITH EMH&T OF COLUMBUS, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE CITY'S GEOGRAPHIC INFORMATION SYSTEM (Ulbright)

Mr. Ulbright said the GIS project is a multi phase process and it will continue to develop over the next two years. Currently phase 2 is finishing and we are in the middle of phase 3. This request is for the completion of phase 3 and the estimated cost is \$30,000. The contract will provide technical service and support required to update the city's GIS system and integrate a Services Request Center for tracking work orders, improving citizen access to information, enabling compliance with city ordinances regarding traffic control files and journalization, and enabling compliance with EPA stormwater management mandates. Mr. Ulbright noted that the delinquent account application of this phase will save the city \$3000 a year in mailing costs alone, which is 10% of the cost of the proposal. Joel Montgomery, City Engineer, further explained the project and answered council's questions.

Mr. Ulbright moved, seconded by Mr. Steiner, 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).

5. First Reading- RESOLUTION 2012-39 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES PROVIDED TO THE MUNICIPALITY PURSUANT TO AN ENGAGEMENT WITH ICE MILLER, LLP (Ansel)

Mr. Ansel said this is to extend the engagement of Schottenstein, Zox & Dunn, a law firm that specializes in representing municipalities in disputes with the Ohio Environmental Protection Agency and who have represented the City of Wooster in appealing our NPDES permit and other related matters. The Schottenstein firm has since merged with and become Ice Miller, LLP, who is now performing these services in accordance with the terms of the original engagement. Mr. Ansel said the original appropriation of funds has been exhausted and therefore it is necessary to authorize payment to Ice Miller in an amount not to exceed \$15,200.00. Mr. Benson said the money appropriated in 2009 to appeal the 2007 NPDES permit has been depleted and the appeal is still pending. He noted that in addition to the NPDES permit appeal, Ice Miller LLP has provided assistance with several other projects related to the operation of the Water Pollution Control Plant.

Mr. Ansel 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. Ansel moved, seconded by Mr. Steiner, 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).

**VIII. EXECUTIVE SESSION**

Mr. Ulbright moved, seconded by Ms. Knapic, to go into executive session to discuss pending litigation (8:50 p.m.). 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. Ulbright, to reconvene from executive session (9:40 p.m.). Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

**IX. MISCELLANEOUS**

Mr. Ansel shared a quote from his recent vacation to Disneyland: “Our greatest natural resource is the minds of our children.” Walt Disney

**X. ADJOURNMENT**

Mr. Ulbright moved, seconded by Ms. Knapic to adjourn. Motion carried and meeting so adjourned at 9:45 p.m.

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Michael G. Buytendyk  
President of Council

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Cheryl K. Collins  
Clerk of Council