

CITY COUNCIL MINUTES
November 16, 2009

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, Bob Henery, Ed Schuch, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Silvestri, to approve minutes of the November 2, 2009 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Introduced Rebecca Little, City Planner, filling a position vacated by Val Jesionek and announced the promotion of Kevin Givins to Assistant Utilities Manager, replacing Ken Kinney upon his retirement; 2) Congratulated re-elected council members Jon Ulbright, Jon Ansel and Jeff Steiner and newly elected Barb Knapic. He also thanked Bob Henery for his service on council; 3) The final coat of asphalt for Beall Ave. is scheduled for end of week; 4) Freedlander building is now down and the project is on schedule; 4) 2010 budget; and 5) Mayor asked Council to consider going into executive session at the end of the meeting to discuss personnel matters.

Mr. Benson, Law Director, brought members up-to-date on the EnviroClean investigation. Consultants from Bureau Veritas, one of the largest environmental consulting firms in the world, have toured the area three times, with and without the owner of EnviroClean. They have recommended a protocol for testing and the owner of EnviroClean has agreed to allow the testing, which will occur within the week. As soon as the testing is completed, the information will be sent off to their lab and the city should receive a report back within two weeks. The city will be communicating by mail to residents of the affected area asking them to complete a survey.

Mr. Dordea, Finance Director, distributed the first draft of the 2010 appropriation budget. The budget is expected to change as administration continues to meet with department managers finding ways to trim the budget and advance revenues. Mr. Dordea expects the final version to be available within two weeks. The hospital's data will be added as well.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The clerk read a notice from the Ohio Division of Liquor Control indicating Buehler Food Markets Inc., DBA Buehlers Milltown, 3540 Burbank Road, applied for a new D1 liquor permit. Privileges for a D1 permit are beer only for on premises consumption or in sealed containers for carry-out. Mr. Ulbright moved, seconded by Mr. Henery, not to request a hearing. Upon voice vote, motion carried unanimously.

The following member of the audience spoke: Dan Nye, 2222 Sherck Blvd. (Wooster Soccer Fields).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The Finance Committee met on Tuesday, November 10, 2009 at 5:30 p.m. at City Hall. Mr. Ansel gave an overview of the meeting. Three items were discussed 1) Bed Tax application 2) Proposals for videotaping council meetings 3) 2010 General Fund Budget. Mr. Ansel indicated the three topics would be discussed later in the meeting during new business. A follow-up Finance Committee meeting is scheduled for Thursday, November 19, 2009, 5:30 p.m. in Council Chambers at City Hall, to review 1) 2010 General Fund Budget and 2) TIRC (Tax Incentive Review Committee) findings.

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2009-30 AUTHORIZING THE TRANSFER OF OWNERSHIP OF THE FORMER FREEDLANDER'S PROPERTY TO THE WOOSTER GROWTH CORPORATION, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel moved, seconded by Mr. Steiner, to amend by substitution Ordinance No. 2009-30 with Amended Ordinance No. 2009-30. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel explained city council previously transferred the Freedlander property to Wooster Growth Corporation as state constitution prohibits municipalities from becoming involved with commercial development ventures. Wooster Growth handles these processes and functions on behalf of the city. This ordinance is to transfer the JPMorgan Chase parking lot property to Wooster Growth for the development of the Merchant's Block project.

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

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2009-31 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010, AND DECLARING AN EMERGENCY (Ansel)

At the end of each year departmental transfers are made to offset expenses in various areas. The budget is a work plan of the estimate of future needs. Mr. Ansel introduced the preliminary budget and indicated he would be leaving the ordinance on second reading as there is still a lot of work to do before approving the budget by year end. He asked council to be prepared with questions after the November 19th work session. The budget is a priority and another work session can be scheduled if necessary.

2. First Reading - ORDINANCE NO. 2009-32 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY A GIFT FROM THE WOOSTER SOCCER ASSOCIATION, AND DECLARING AN EMERGENCY (Schuch)

Mr. Schuch stated this ordinance will authorize the mayor to accept a \$50,000 donation from the Wooster Soccer Association to be used for the construction of restrooms, concession building and increased paved parking. The soccer program is a huge success with over 1,000 participants. Mr. Ulbright commended the Wooster Soccer Association for their generosity in making available this opportunity to improve the soccer facility and to help the program grow even further.

Mr. Schuch 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

3. First Reading - RESOLUTION NO. 2009-83 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF A PARKING LOT ON THE COUNTY-OWNED KINNEY PROPERTY, AND DECLARING AN EMERGENCY (Schuch)

Mr. Schuch stated this resolution will authorize entering into a contract for the construction of the proposed soccer field parking lot at the corner of Burbank and Oldman Roads. The budgeted amount will be under \$25,000 but will exceed \$15,000 and therefore requires council approval, but does not need to be competitively bid. They hope to

have the project completed by the end of the year. Part of the baseball diamond will be used in the construction of the parking lot.

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

Mr. Buytendyk pointed out what a great community we live in with three organizations working together towards a common goal. Mr. Silvestri expressed how much nicer and safer it will be to have more room for the soccer program which generates a lot of activity and traffic. Mr. Ulbright added that the softball field which will be eliminated has not been used in years and the city has since built additional softball fields that are very nice. Mr. Malta echoed those comments and confirmed that the city's softball program is still very popular and important.

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

4. First Reading - RESOLUTION NO. 2009-84 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR LANDSCAPE IMPROVEMENTS TO DILLER PARK, AND DECLARING AN EMERGENCY (Henery)

Mr. Henery asked Daryl Decker, Parks Manager, to give details of the Diller Park landscaping improvements. The site was landscaped back in the 1960's and has been overgrown for some time. Over the last couple of years several organizations have come forward donating money to move this project forward. The cost is budgeted for this year and contract negotiations are ongoing, including discussions to replace the railroad tie retaining walls with concrete walls and a cultured stone front which will match the stone used in the Beall Avenue Streetscape. The large spruce tree in the middle will remain along with the holly shrubs and other larger trees. The under plantings will be replaced reflecting the landscaping in front of city hall and other city properties. According to Mr. Decker they are attempting to create a unified landscaping theme throughout city owned property.

Mr. Henery 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

5. First Reading - RESOLUTION NO. 2009-85 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH WOOSTER TOWNSHIP FOR THE HOUSING, OPERATION AND MAINTENANCE OF A FIRE TRUCK AT WOOSTER FIRE STATION #1; AND FOR FIREFIGHTING ASSISTANCE IN THE VICINITY OF PRAIRIE LANE, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated this legislation is for the renewal of the automatic aid agreement with Wooster Township Fire Department which will expire on December 31, 2009. The new contract will be for 3 years commencing on January 1, 2010. The agreement provides for the housing, operation and maintenance of a fire truck at Wooster Fire Station #1 and for firefighting assistance in the vicinity of Prairie Lane. Once approved by city council the agreement will go before the township trustees for their approval.

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

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

6. First Reading - RESOLUTION NO. 2009-86 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH THE CENTRAL FIRE DISTRICT TRUSTEES FOR THE FURNISHING OF EMERGENCY AMBULANCE SERVICES TO A PORTION OF WAYNE TOWNSHIP, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated this is for the renewal of the automatic aid agreement with Central Fire District to respond to emergency medical service calls within the Wayne Township area. The length of the contract is for one year and runs from January 1, 2010 to December 31, 2010. This agreement will also need to be approved by the township trustees.

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

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

7. First Reading - RESOLUTION NO. 2009-87 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated he would be leaving this legislation on first reading. The City of Wooster TIRC reviewed existing EZ and CRA agreements within its jurisdiction and recommended that with one exception (Eldorado Stone, dba Stonecraft) all agreements should be continued in effect. Mr. Ansel indicated it is an unfortunate situation regarding Stonecraft. With the housing market industry going into a recession, it has caused Stonecraft not to be as strong as they had hoped at the commencement of this project. TIRC recommended allowing them a period of time to regain operating momentum, but their commitment to the project's continuance, even if the economy improves, is in question. Stonecraft is falling short of their employment commitments and also future expansion plans. There are some complexities associated with this decision and Mr. Ansel indicated these will be discussed at the Finance Committee meeting, after which he feels council will be better prepared to make a final decision. Mr. Ulbright requested city administration make available to council detailed information of the Wooster TIRC EZ and CRA agreements prior to that meeting. Mr. Dordea explained that the tax incentive follows the building, not the business, and the advantages of continuing the abatement on the building keeps it marketable and utilized to its potential. Mr. Ansel noted that council has to be cautious when comparing other companies in surrounding cities with similar circumstances, to look at all the facts. The resolution remained on first reading.

8. First Reading - RESOLUTION NO. 2009-88 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated he would be leaving this legislation on first reading. The Wayne County TIRC, after reviewing existing City of Wooster EZ agreements coming within its jurisdiction, recommended that all such agreements be continued in effect. There are over twenty-five ongoing EZ abatements that are living up to their expectations of economic growth and development in the City of Wooster and Mr. Ansel highlighted some of those businesses. A comprehensive overview will be given at the Finance Committee meeting. The resolution remained on first reading.

9. First Reading - RESOLUTION NO. 2009-89 AUTHORIZING THE CITY OF WOOSTER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR PLANNING AND CONSTRUCTION OF THE BIOTOWER PROJECT, AND DECLARING AN EMERGENCY (Silvestri)

The city proposes the construction of a trickling filter system (the “biotower”) to intercept and pre-treat waste from a local food manufacturing facility before it reaches the city’s wastewater treatment plant. Mr. Silvestri explained this resolution would authorize entering into a loan agreement with the Ohio Water Development Authority to finance costs of the planning and construction of the biotower. The city will pay 1% interest only for the first five years and 3% principle and interest for the remaining 10 years.

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; Henery-yes; Schuch-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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright

10. First Reading - RESOLUTION NO. 2009-90 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

Mr. Ansel stated this is a very unique collaboration of three businesses working together for a common goal. These entities focus on economic development through tourism and promotion of our downtown and business sector. The joint applicants gave a presentation at the November 10th Finance Committee meeting detailing the allocation of funds gathered through a bed tax generated from hotels and motels located within the City of Wooster. This bed tax is earmarked for distribution by city council. The three entities, Main Street Wooster, Wooster Area Chamber of Commerce, Wayne County Convention and Visitors Bureau, submitted a single application justifying how they are working together as a team:

Of the first \$50,000	
Main Street Wooster	57.5%
Wooster Area Chamber of Commerce	37.5%
Wayne County Convention and Visitors Bureau	5.0%
Of all funds over \$50,000	
Main Street Wooster	50%
Wooster Area Chamber of Commerce	30%
Wayne County Convention and Visitors Bureau	20%

Representatives from each of the three entities, Jeff Griffin, Sandra Hull and Jack Craig, spoke on behalf of their respective business. Mr. Ansel indicated the city is very proud of the collective accomplishments of these businesses. Its through affective communication, awareness, advertising and quality events that allow people to become involved with our community, making Wooster a destination location not only for the county, but for the entire region as well.

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

Mr. Ulbright explained in the past he abstained from voting on this issue as he felt there was a conflict of interest. The law director has since pointed out that was not the case and Mr. Ulbright will now be able to engage in the vote and discussion. He reviewed the report and supports the businesses. Mr. Henery added he has never worked with anyone more motivated than Ms. Hull to make our downtown a success and appreciates her efforts.

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

11. First Reading - RESOLUTION NO. 2009-91 AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MURR PRINTING OF WOOSTER FOR VIDEO SERVICES FOR MEETINGS OF WOOSTER CITY COUNCIL, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained the videotaping of city council meetings was put out for competitive bid and two proposals were received. Murr's Multi Media, who has provided this service the last four years, was the low bidder. They have been very diligent in improving the quality and the availability of the video productions. After review, the president of Wooster City Council and the Finance Committee recommended entering into a two year technical services contract with Murr's Multi Media for video services in relation to the meetings of Wooster City Council.

Mr. Buytendyk noted a correction in the resolution. Mr. Ansel moved, seconded by Mr. Buytendyk, to amend Resolution No. 2009-91 at Section 1 to read: for the period from January 1, 2010 until December 31, ~~2010~~ 2011. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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; Henery-yes; Schuch-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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

12. EXECUTIVE SESSION

Mr. Buytendyk moved, seconded by Mr. Henery, to go into executive session to discuss a personnel matter. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch –yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Council adjourned to executive session at 8:40 p.m.

Mr. Steiner moved, seconded by Mr. Ulbright, to adjourn from executive session. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Council adjourned from executive session at 9:13 p.m.

VIII. MISCELLANEOUS

Mr. Ansel reminded everyone of the Finance Committee meeting scheduled for Thursday, November 19, 2009, at 5:30 p.m. in Council Chambers at City Hall.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 9:15 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council