



**WOOSTER CITY COUNCIL MINUTES**  
**November 3, 2014**

**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. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Scott Myers, David Silvestri and Jon Ulbright. Craig Sanders was absent.

City Administration present: Mayor Bob Breneman, Law Director Dick Benson, Director of Administration Joel Montgomery, and Finance Director Andrei Dordea.

**II. APPROVAL OF MINUTES**

Mr. Silvestri moved, seconded by Ms. Knapic, to approve the minutes of the October 20, 2014 regular meeting. Upon voice vote, the motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman thanked the Water Pollution Control Plant staff for hosting council members prior to the meeting and sharing the improvements and accomplishments of the recent partnership with quasar. Mayor Breneman also noted the grand opening of a new downtown coffee shop, The Gathering Grounds; a grand opening of Bauer Ladder at their new location; new security measures at city hall; a tour of the new Daisy plant construction site; and the Buehler's Milltown location celebrated the conclusion of the remodeling project. Mayor Breneman also announced the 2015 appropriations budget will be ready for presentation to council at their next meeting.

Mr. Vince Crawford from Waste Management (WM) addressed council to inform them of the 'Waste Watch' program. Mr. Crawford thanked Mr. Montgomery and Chief Matt Fisher for coordinating with Waste Management to train and certify 25 of the WM drivers for their version of a Neighborhood Watch program. Mr. Crawford said Officer Burnett came out to train the drivers as to what to look for as they are driving their routes and how to report items or activity that look suspicious.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

A notice was received from the Ohio Division of Liquor Control regarding a request for a transfer of C1 and C2 class permits from JJMAC LLC, DBA Convenient Food, 337 W. Liberty St., Wooster, Ohio 44691 to Bettys Boy LLC, DBA Convenient Food Market, 337 W. Liberty St., Wooster, Ohio 44691.

Mr. Silvestri moved, seconded by Mr. Myers, to waive a hearing on the application. Upon roll call, motion carried unanimously. (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Silvestri-yes; and Ulbright-yes).

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

In Mr. Sanders' absence, Ms. Knapic reported on the Utilities Committee meeting that was held earlier at the Water Recovery and Recycling Facility. Ms. Knapic noted some of the achievements of the partnership between the City of Wooster and quasar, including the savings in electrical costs due to using the electricity generated by the plant processes to run the plant. Ms. Knapic also noted quasar's COO, Mr. Clemens Halene, said it has been good to work with Mr. Montgomery and Mr. Halene also stated he appreciated the performance clause in the contract which meant the city would not pay for the work if the stated standards are not met. Ms. Knapic said she would like to see performance clauses in more city contracts. Mr. Buytendyk also mentioned the energy savings achieved by using the electricity generated by the sewer plant to run both the sewer and the water plant.

**VI. OLD BUSINESS**

None.

## VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-30 AN ORDINANCE AMENDING CHAPTER 1351, MINIMUM HOUSING STANDARDS AND PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE (Knapic)

Ms. Knapic stated she would leave this legislation on first reading to allow for review of the proposed changes. Ms. Knapic also stated she would hold a Laws and Ordinances Committee meeting at 6:30pm on Monday, November 17, 2014 to go over the proposed changes. She also said Mr. Tim Monea and Mr. Andrew Dutton would attend the meetings to discuss the changes with the committee and council.

2. First Reading – ORDINANCE NO. 2014-31 AN ORDINANCE AMENDING CHAPTER 1311, APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE (Knapic)

Ms. Knapic said she would also leave this legislation on first reading because the changes are significant and it will be discussed further at the committee and council meetings.

3. First Reading – ORDINANCE NO. 2014-32 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated this legislation is related to several current cases in litigation and is needed to pay currently outstanding invoices and to cover estimated future expenses. Mr. Ansel said council members should be well aware of the issues in each situation.

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

Mr. Ansel moved, seconded by Mr. Ulbright, to adopt.

Mr. Silvestri asked Mr. Benson if the difference between the approximately \$87,000 currently owed and the total request of \$115,000 is to cover expenses for the remainder of the year. Mr. Benson said that is correct. Mr. Silvestri asked about the amount requested for Frost Brown Todd. Mr. Benson replied he could not go into any detail because it is current litigation. Mr. Buytendyk stated the amount requested in this case is what the city would have expected to pay if it had gone to trial instead of a hearing. He added he believes the attorneys the city has engaged have served it well in various matters, most of which is complicated litigation the average attorney is not equipped to handle.

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

4. First Reading – RESOLUTION NO. 2014-65 A RESOLUTION AUTHORIZING THE PAYMENT OF EXPENSES RELATED TO PENDING LITIGATION TO RECOVER DAMAGES FOR WORK DONE AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY (Sanders)

Ms. Knapic introduced the legislation on behalf of Mr. Sanders. She stated the distinction between this legislation and the previous one is to authorize payment to the law firm of McMahon DeGulis with respect to the case involving the wastewater treatment plant. Ms. Knapic explained the subject is very technical, specific, and detailed such that it is necessary to use a specialist in this type of litigation.

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; Myers-yes; Silvestri-yes; and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Cavin, to adopt.

Mr. Buytendyk asked Mr. Benson if this legislation was an estimate of services to be paid and not for actual outstanding invoices. Mr. Benson said some of it is pending payment and some of it is estimated. Mr. Benson added that in both this case and in the ODNR appeal the city has hired experts due to the complexity of the issues, and experts do not work cheaply. Mr. Buytendyk added, in regard to the ATS litigation, the city is spending money in order to recoup money.

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

## **IX. MISCELLANEOUS**

Mr. Myers thanked quasar for the information they shared earlier in the evening and commended Mr. Montgomery for the work he did working with the engineers and in his flexibility in developing the contract. He also thanked Mr. Crawford for the report on the Waste Watch program and all that Waste Management does to train their employees.

Mr. Silvestri also expressed approval for the work that has been done in the partnership with quasar. Mr. Silvestri also noted the savings the city will see as a result of the project.

Ms. Knapic said she also appreciated the information and tour at the Water Recovery and Recycling Facility (WRRF). She also wanted to remind everyone that tomorrow is Election Day and encouraged everyone to exercise their right to vote. Ms. Knapic wished her constituent, Mary Taibi, a very happy 99<sup>th</sup> birthday.

Mr. Cavin said he would echo his previous comments about the tour of the WRRF and noted the positive changes that have taken place. Mr. Cavin also stated he was glad to hear of the Waste Watch program. He also said he had received calls from constituents regarding bedding and mattresses left at the curb that will no longer be picked up unless they are wrapped in plastic and sealed with duct tape. Mr. Cavin also encouraged everyone to exercise their right to vote.

Mr. Ansel said it is refreshing to recognize Wooster as an innovative city due to the work done by quasar, The Ohio State University, and Mr. Montgomery. Mr. Ansel noted the teamwork that produced the successful venture and added this is the first system of its kind in the United States. Mr. Ansel also spoke to the lack of regulations on frackwater processing and said the city should be proud to be the entity bringing that issue to the fore at the state level. Mr. Ansel also announced he would hold a Finance Committee work session on Monday, December 1, 2014 at 6:00 pm in council chambers to review the proposed 2015 appropriations budget. Mr. Ansel read a portion of an email he had received from former Sheriff Tom Maurer praising Police Chief Matt Fisher for the support and encouragement he gave to Sergeant Victor Nedoma after Nedoma was injured in a training accident.

Mr. Ulbright noted the cutting edge technology now in place at the WRRF. Mr. Ulbright stated the project with quasar is a perfect example of how well a public-private partnership can work. Mr. Ulbright also stated he believes the morale of the employees is much improved from where it had been few years ago. Mr. Ulbright also encouraged people to vote, especially because it is an off-year and voter turn-out is usually lower.

Mr. Buytendyk congratulated the Wooster High School football team in their victory over Orrville and for earning home field advantage for the upcoming playoffs.

**X. ADJOURNMENT**

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 8:28 p.m.

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Michael G. Buytendyk  
President of Council

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Amy M. Hamilton  
Clerk of Council