

CITY COUNCIL MINUTES
November 5, 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. Lynne DePaulo was Acting Clerk of Council.

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

Mr. Buytendyk recognized Boy Scout Troop 65 who were in attendance.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Cavin, to approve the October 15, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Jeanette Wagner was hired as the new Human Resources Manager. 2) Mayor Breneman presented council with recommendations of individuals to be appointed/reappointed to various boards and commissions, requiring council approval:

<u>HOSPITAL BOARD OF GOVERNORS</u>	Ward	Term-4 yrs.
Gary Thompson	1	01/01/13 – 12/31/16
Yvonne Williams	3	01/01/13 – 12/31/16
<u>CIVIL SERVICE COMMISSION</u>	Ward	Term-6 yrs.
Ken Vagnini	4	01/01/13-12/31/18
<u>INCOME TAX BOARD OF REVIEW</u>	Ward	Term-3 yrs.
Greg Long	4	01/01/13 – 12/31/15
<u>FAIR HOUSING BOARD</u>	Ward	Term-3 yrs.
Karin Wiest	3	01/01/13 – 12/31/15

3) Wooster Fire Division conducted a Fire Ops 101 session for members of the city administration and city council on October 20, 2012. Mayor Breneman thanked the fire division for an excellent and informative program. 4) A letter was received from the Mahoning County Building Department expressing their thanks to the City of Wooster Division of Building Standards for accommodating them in a recent visit to review a software package. Not only were they impressed with the functions and uses of the software in our division, they also expressed gratitude to our friendly employees and well run department. 5) Congratulations to Main Street Wooster and Sandra Hull who will celebrate their 25th Anniversary on November 7, 2012. 6) Four community ward meetings were held and they went very well. Mayor Breneman will present legislation at the next council meeting regarding the proposed income tax increase for the May 2013 ballot.

Mr. Montgomery updated council on upcoming paving projects: 1) Columbus Avenue curb ramps November 8th and paving on November 9th. 2) Melrose paving on November 10th and 11th. 3) Mr. Montgomery also acknowledged Ron Middleton, Engineering Division Inspector, who retired after 25 years with the City of Wooster.

Mr. Steiner moved, seconded by Mr. Ansel, to approve the slate of individuals recommended by Mayor Breneman to serve on the various boards and commissions. Upon voice vote, motion carried unanimously.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following members of the public spoke: John Williams, 426 Pearl Street (Ordinance No. 2012-26) and Greg Gehris, 347 N. Grant (Ordinance No. 2012-26).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A Public Utilities Committee meeting was held at 6:00 p.m., prior to the council meeting, to discuss options for improvements to the Waste Water Treatment Plant. Committee Chairman Craig Sanders reported that potential upgrades for bio-solids were discussed and also the general wet stream requirements which need upgraded in order to comply with the URS findings report, part of the EPA analysis. Mr. Sanders said a very detailed and informative report was reviewed, in terms of potential savings, looking at a third party source to handle the bio-solids process. Additional information will be forthcoming and Mr. Sanders said another Public Utilities Commission will be scheduled at that time.

Mr. Steiner said everyone who participated in the Fire Ops 101 demonstration enjoyed themselves. Exercises included the simulation of a burning building, use of the Jaws of Life on a vehicle, experiencing the heat of an actual fire in a burn trailer, and seeing what the EMT squads do. Mr. Steiner said it was very informative and helpful to see what the fire division does on a daily basis.

Mr. Buytendyk announced a Public Hearing is scheduled for December 3, 2012 at 7:30 p.m. to discuss the proposed amendments to City of Wooster's Zoning Code (Title One, General Provisions/Administration; Chapter 1119, Amendments; Section 1119.08(b), Recommendation by the Planning Commission; and Section 1119.10(d), Action by City Council).

OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2012-27 AMENDING CHAPTER 539, PARK REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO BRING CERTAIN PROVISIONS IN-LINE WITH RECENT OHIO SUPREME COURT CASE LAW, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic said this amendment is to bring the City of Wooster ordinances into conformance with the Ohio Revised Code and the Ohio Supreme Court decision recently cited. Ms. Knapic said this amendment removes the references to firearms as not being permitted in the city parks, however, she assured those with concerns that there is still a city ordinance that prohibits the discharge of any firearms within the city limits. She noted that bringing the ordinance into compliance with state law will keep the city from paying legal fees and costs and will also keep the city from having legal challenges to this particular ordinance. At the last council meeting Mr. Ulbright said he remarked on how he felt about this amendment. He understands the need for compliance but he also took an oath to uphold the Codified Ordinances, the State of Ohio Constitution and the Federal Constitution, but in this particular case he said he also listens to a higher law and therefore would be abstaining from the vote, as he could not support this piece of legislation. Mr. Ulbright then read the Second Amendment which he said is so frequently misquoted. Mr. Cavin said he would follow suit with Mr. Ulbright and abstain as well. Mr. Buytendyk said he does not approve of the supreme court eroding home rule cities, however, the city needs to be in compliance with Ohio law.

Ms. Knapic 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).

Ms. Knapic moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried 5-2 abstentions (Ansel-yes; Cavin-abstained; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-abstained).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-28 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE EAST SIDE OF GEYERS CHAPEL ROAD, SOUTH OF ITS INTERSECTION WITH BACK ORRVILLE ROAD, AND CONTIGUOUS TO

THE CORPORATION LIMITS (Richard R. Benson, Esq., Agent for Petitioner the Wooster Growth Corporation) (Knapic)

Ms. Knapic said this is the proposed annexation of 0.69 acres that was orphaned during prior annexations and is now completely surrounded by other property annexed into the City of Wooster. She referred to an attached map highlighting the location of the 0.69 acres on Geyers Chapel Road. Mr. Benson further explained that the 148 acres (formerly known as the Besancon property) surrounding the 0.69 acres was annexed into the city through the expedited process that applied only to land owed by the municipality. At that time, the 0.69 acres was not owned by the municipality or Wooster Growth Corporation and the expedited process could not be used. Once acquired by the City of Wooster and Wooster Growth Corporation, it was petitioned for annexation. Some of the companies now located on the annexed Geyers Chapel Road property are Tekfor, Inc., Pizzazz Performance Wear, Ohio Department of Transportation and Mr. Benson said the 0.69 acres was acquired as part of the 8 acres purchase by Brassfond U.S.A., who have developed the property. Wooster Growth made it clear to Brassfond that the 0.69 acres would be annexed into the city.

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

Ms. Knapic moved, seconded by Mr. Cavin, 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 NO. 2012-29 AUTHORIZING THE MAYOR TO TRANSFER FUNDS IN ACCORDANCE WITH SECTION 6.05 OF THE CHARTER OF THE CITY OF WOOSTER, OHIO (Ansel)

Mr. Ansel said from time to time it becomes necessary to transfer encumbered appropriations between fund balances. This request is to transfer unencumbered balances from the Water Plant Cost Center to the Water Meter Maintenance Cost Center in the amount of \$70,000, and from the Water Pollution Control Biotower Cost Center to the Sewer Fund Overhead Allocation Cost Center in the amount of \$35,000, for the purchase of water meters previously authorized by Resolution No. 2012-85. Mr. Ansel said a detailed summary was provided.

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. Sanders, 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 - ORDINANCE NO. 2012-30 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel said this legislation is to request \$25,000 be appropriated from the unappropriated balance in the Water Fund, Utility Billing Cost Center, Operations & Maintenance Appropriation Level, for the payment of service fees in connection with the acceptance of electronic payments for utility services through our third party collection agency. Mr. Ansel said we will exceed our budget of \$25,000 for 2012 as we are now averaging \$6,100 a month for this supplemental service.

Mr. Ansel 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. Ansel moved, seconded by Ms. Knapic, 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).

4. First Reading - RESOLUTION NO. 2012-97 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 said this is a joint service agreement with Wooster Township that has been in affect for over 40 years, to provide fire protection throughout the township and adjacent townships. Mr. Steiner said a fire truck, paid for by Wooster Township, is housed at Fire Station #1, for rapid response to emergencies, and the City of Wooster is paid for manning the fire truck as well. There are two changes to the contract this year, which Mr. Steiner said are due to the uncertainty of funding for the City of Wooster: 1.) the 90 day back out clause to end the agreement is now 30 days and 2.) the 3 year contract will be a 1 year contract. Fire Chief Rob Eyler further explained the agreement and clarified the changes.

Mr. Steiner 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. Steiner moved, seconded by Mr. Sanders, 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 NO. 2012-98 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012 (Steiner)

Mr. Steiner said this is a budgeted item, to purchase one Chevrolet Caprice police cruiser which will replace a Ford Crown Victoria cruiser that has extensive time and mileage usage. The vehicle will be purchased through the state-sponsored cooperative purchasing program or through a vendor upon equivalent terms and conditions. Police Chief Matt Fisher confirmed that the police division is pleased with the performance of the new Chevy Caprice cruisers.

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).

6. First Reading - RESOLUTION NO. 2012-99 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Ansel)

Mr. Ansel explained that a private property on N. Buckeye Street suffered damage from a sewer back-up, and an examination by the engineer indicated that the problem was due to maintenance issues on the city's portion of the sewer main, and therefore the city is liable for expenses related to the back-up. In order to make the appropriate repairs to avoid any future sewage back-up to this private residence, the services of J&P Swingle Mechanical Contractors, Inc. were secured. Mr. Ansel said the expenditure was in excess of \$3,000.00 and a purchase order was not issued at or before the time the contract is executed, therefore payment requires council's approval. The total amount of the invoice is \$3,760.58, payable from the Water Pollution Control Fund for the cost of repairs to the sanitary sewer line serving a property on Buckeye Street. Mr. Montgomery further explained the problem and the repair of the sewer main.

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).

7. First Reading - RESOLUTION NO. 2012-100 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES

Mr. Ansel introduced Sandra Hull of Main Street Wooster, Marty Starkey of the Wayne County Convention and Visitors Bureau, and Jeff Griffin of the Wooster Area Chamber of Commerce, who submitted a joint application for the Bed Tax allocation. Mr. Ansel the Bed Tax applications were discussed at the last Finance Committee meeting and presentations were given by representatives of the three entities vying for the Economic Development monies. Mr. Ansel said council members should have received an electronic copy of the joint proposal for review. Mr. Ulbright received phone calls questioning how a portion of public monies could be used for the Chamber of Commerce, whose organization on the national and state level have endorsed candidates of one party more than another. Mr. Griffin explained the Wooster Area Chamber of Commerce is a stand alone 501(c)(6) organization. The Wooster Area Chamber of Commerce is not part of the Ohio Chamber of Commerce or part of the United States Chamber of Commerce, however they are members of both organizations. Dues are approximately \$1,000 per year and for that investment, Mr. Griffin said the Wooster Area Chamber of Commerce receives 99% of their small business coaching, tax education materials and resources to pass onto their members. Mr. Griffin said the local Chamber of Commerce does not and is not capable to endorse candidates. They did endorse the Wayne County Library levy, which as a 501(c)(6) organization are permitted to do. Mr. Ansel said this joint application validates the teamwork of organizations working together and that great accomplishments can be achieved.

Mr. Ansel 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. Ansel 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).

8. First Reading - RESOLUTION NO. 2012-101 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DESIGN OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT THAT ARE REQUIRED IN CONNECTION WITH RECENTLY-ISSUED FINDINGS AND ORDERS FROM OHIO EPA (Sanders)

Mr. Sanders said this request is to contract with a qualified engineering consultant specializing in wastewater treatment. They will be performing engineering design services for improvements to the Water Pollution Control Plant (WPCP). The proposed improvements are the result of a comprehensive evaluation of the WPCP required by the Findings and Orders issued by the Ohio EPA. This design contract is required in order to comply with the EPA NPDES permit requirements to make improvements to the WPCP. Mr. Buytendyk said at the Public Utilities Committee meeting, Mr. Montgomery indicated he had estimated on the high end with regard to these engineering services and based on the potential developments we might have with a third party, these engineering costs could be significantly less. Mr. Sanders said that was correct and at this point the estimate includes not only the wet stream work but also the bio-solids which is what was discussed primarily at the committee meeting. Mr. Sanders said if the city is to proceed with a third party company that will process the bio-solids, they will take care of the engineering services themselves, so the estimated dollar amount could potentially decrease and more than likely will decrease.

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

Mr. Sanders 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. MISCELLANEOUS

Mr. Silvestri said in regards to the downtown parking, he felt the 1-hour and 3-hour parking time limits should possibly be re-considered, to allow for extended parking times.

Ms. Knapic congratulated Sandra Hull and Main Street Wooster and thanked the Wayne County Convention and Visitors Bureau and the Wooster Area Chamber of Commerce for all their work in Wooster.

Mr. Cavin echoed Ms. Knapic's congratulations. He also thanked Fire Chief Eyler, Fire Captain Rhodie Walter and Firefighter Chris Hawkins, who did a awesome job with the Fire Ops 101 session. Mr. Cavin asked that the public consider the dedication that our firefighters give to the citizens of Wooster and remember they are true unsung heroes.

Mr. Ansel welcomed Jeanette Wagner as the city's new HR Manager. He congratulated Sandra Hull and Main Street Wooster for a job well done. Mr. Ansel thanked the Wooster Fire Division for allowing city council the opportunity to experience an incredible opportunity through Firefighting 101 and recognize first hand what these heroes face in life threatening situations. Also, Mr. Ansel thanked Lynne DePaulo for filling in as Acting Clerk of Council.

Mr. Sanders congratulated Sandra Hull and thanked her for all the work that she does, as well as Marty Starkey and Jeff Griffin, who together do a great job promoting our city to the outside community. Mr. Sanders said although he was unable to participate in the Fire Ops 101, he was able to spend the day watching the exercise. He said even as an observer it was an educational experience and he thanked the fire department for their efforts and for a great program that they put on that day.

Mr. Ulbright thanked Main Street Wooster, Wayne County Convention and Visitors Bureau and the Wooster Area Chamber of Commerce for working together to make our downtown and the whole Wooster community economically strong and attractive to residents and those living outside of Wooster. Mr. Ulbright said he was out of town and not able to participate in Fire Ops 101, but hopes to at least be an observer at the Spring session.

Mr. Buytendyk thanked Lynne DePaulo for filling in as Clerk of Council for the evening.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic to adjourn. Motion carried and meeting so adjourned at 9:00 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council