

CITY COUNCIL MINUTES
November 7, 2011

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, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Cavin, to approve minutes of the October 17, 2011 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) JumpStart Entrepreneurial Network recognized the success of Wooster's Opportunity Loan Fund (WOLF) at their annual meeting. The WOLF encourages economic development in Wooster by helping young entrepreneurs going into business. 2) The 2012 annual budget and will be presented at the next meeting.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following members of the audience spoke: Carol Eberhart, 145 Cannon Drive (protecting water resource); Mark Gooch, 1636 Gasche Street (pedestrian hybrid beacon); Kevin Breeden, 620 Arlington Drive, Apt. H (police division); Dennis Vitaro, 2846 Woodridge Drive (Ord. #2011-29 and fire division); Greg Gehris, 347 N. Grant (bed tax funds and oil well fracking); and James Green, P.O. Box 1352 (adult gaming parlors and Ord. #2011-31)

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The finance committee met at 7:00 p.m. prior to the council meeting to discuss the bed tax application. Mr. Ansel said he would cover the report under the agenda item.

VI. OLD BUSINESS (none)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-29 ADOPTING A HAZARD MITIGATION PLAN FOR THE CITY OF WOOSTER (Steiner)

Mr. Steiner said the Hazard Mitigation Plan is for natural disasters not for bio-security issues that might occur. The Hazards Mitigation Plan was developed in 2006 and is reviewed every five years. The Plan is required by the Federal Disaster Mitigation Act of 2000 in order for the City of Wooster to qualify for federal assistance funds. The Plan was approved by the Intergovernmental Review (IGR) process and was adopted by the Wayne County Commissioners. Mr. Steiner said if council accepts the Plan the city will be compliant with federal laws and will be able to receive federal assistance for natural disasters.

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

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

2. First Reading - ORDINANCE NO. 2011-30 AUTHORIZING THE CITY OF WOOSTER TO IMPOSE A 180-DAY MORATORIUM ON THE PROCESSING OR APPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS UNDER THE CITY'S ZONING OR BUILDING CODES FOR ANY PREMISES FOR WHICH AN ADULT GAMING PARLOR OR SWEEPSTAKES TERMINAL DEVICE IS, OR IS PROPOSED TO BE LOCATED, AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk said there are several reasons for this ordinance. First, under the city's existing zoning ordinance, adult gaming parlors are not specifically listed. The city engineer and city planner thought a moratorium would be a good idea as there will be approximately six of these businesses located in the City of Wooster by the end of the year. Secondly, it is unknown what the State of Ohio is going to do. House Bill 195 is now circulating and may regulate these businesses and completely take it out of the city's hands. Third, if not preempted by the state, there may be ways the city could benefit from a licensing fee. Mr. Buytendyk said rather than throwing something together, not knowing what the state is going to do, this will allow time to tailor a zoning ordinance establishing these businesses in appropriation locations. Other communities in Wayne County have already adopted similar ordinances and Mr. Buytendyk said until our zoning is worked out, the moratorium will keep all the gaming businesses from settling in Wooster where there are currently no regulations.

Mr. Buytendyk 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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

3. First Reading - ORDINANCE NO. 2011-31 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WOOSTER SENIOR VILLAGE, LP FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel gave an overview of the project and application. Wooster Senior Village requested a 50% CRA tax abatement for ten years as incentive to construct a \$5.5 million, 48-unit senior citizen residential facility on Akron Road in Wooster, within the designated community reinvestment area (CRA). The project would create two new full time permanent jobs and two part time permanent jobs. Mr. Ansel said the request was approved by the Wooster Growth Corporation who recommended it to council. The Wooster City School Board was not required to approve the abatement, however they were notified of the request and did not respond with any resistance or concerns. Current property taxes on the vacant parcel are \$800 and Mr. Ansel highlighted the estimated new taxes over ten years on the proposed development: Property taxes without abatement (\$1,053,310)/with abatement (\$526,655); Income tax with or without abatement (\$10,500); Wooster City Schools revenue without abatement (\$821,581)/with abatement (\$410,790). Mr. Ansel said a senior retirement village would not put additional stress on the city schools but it may create additional duress on city services. Although there are questionable issues associated with this request, Mr. Ansel emphasized that the project met the minimal requirements of the CRA and TIRC guidelines. He said council would need to act immediately in order to allow the application process to move forward for additional federal funding opportunities. Tim Morgan, developer of the project, was in attendance and answered council's questions regarding late timing of the request, location of the development, the actual need for senior housing in Wooster, absentee ownership and upkeep of property, additional federal tax abatement incentive, seniors not paying income tax but using city services, utilizing local contractors for the build, their seven other similar facilities located throughout Michigan, amongst many other concerns council members mentioned. Mr. Morgan said the primary driver for this location was the CRA incentive. He said without the tax abatement the viability of the project, from a financial standpoint, would not work and they would not move forward with the project if council did not approve the abatement.

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

Mr. Ansel moved, seconded by Mr. Cavin, to adopt. Upon roll call, motion failed 3-4 (Ansel-yes; Buytendyk-no; Cavin-no; Knapic-no; Silvestri-yes; Steiner-yes and Ulbright-no).

4. First Reading - ORDINANCE NO. 2011-32 AMENDING THE ANNUAL APPROPRIATION
ORDINANCE (Ansel)

Mr. Ansel said the purpose of the legislation is to increase the allocation for leaf pick up services. The amount of \$50,000 needs to be appropriated in the Storm Drainage Fund, Storm Water Maintenance Cost Center, for costs related to the hiring of seasonal labor to assist with the annual leaf collection (\$10,000.00 for personal services; \$40,000.00 for contracting with a temporary services agency). Mr. Ansel highlighted that with the new service charge on the city water bills, \$54,777 has been collected, annualized in excess of \$200,000, which will offset a large portion of the leaf pickup cost in future years. The new fee will also be applied to the ongoing street cleaning maintenance that is part of the sewer and storm drainage management process. Mr. Ansel said the city is taking a proactive initiative to fund both of these important details.

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

5. First Reading - RESOLUTION NO. 2011-85 AUTHORIZING AGREEMENTS WITH VARIOUS
APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

Mr. Ansel said at the finance committee meeting held prior to the council meeting, representatives of Main Street Wooster, Wooster Area Chamber of Commerce and Wayne County Convention and Visitors Bureau were on hand to present their joint application for use of the city's bed tax funds. Mr. Ansel said the funds being applied for are 48% of the bed fund revenues, which are up from prior years. Due to a few questions the Chamber of Commerce needed to clarify regarding project count and cost allocation, Mr. Ansel said he would leave the resolution on first reading. Pat Neyhart spoke on behalf of the Wooster Area Chamber of Commerce and the many programs they offer local businesses. The resolution remained on first reading.

6. First Reading - RESOLUTION NO. 2011-86 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 any purchase over \$15,000 must come before council for approval. The services of PRADCO were used for promotional testing of sergeant and lieutenant in the police division. Initially \$13,970 was budgeted for this expense, but \$8160 additional funds are needed as the total invoice amount came to \$22,130. Mr. Ansel said an estimate was given for the process but the final bill was derived from the number of applicants tested. Mr. Fowler clarified that PRADCO administered the psychological exams to all fifteen entrance candidates for the police division. That had not been the practice in prior hiring processes, but was the process followed to hire the two new officers. The promotional exam was only given to the six candidates who qualified for promotion. Mr. Fowler said the city is working to define, by way of Civil Service guidelines, who should proceed in the various testing components of the promotional process.

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; Buytendyk-yes; Cavin-yes; Knapic-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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

7. First Reading - RESOLUTION NO. 2011-87 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES (Ansel)

Mr. Ansel said the City of Wooster, being the county seat, has some internal efficiency gains associated with having the Wayne County Prosecutor, under the direction of the Wayne County Commissioners, serve our prosecution needs. Contracted on a yearly basis, this is the third year without an increase for the services provided by the Wayne County Prosecuting Attorney's office. Mr. Ansel said the cost of this contract would be equivalent to one and half employees for the service levels provided. He said the city couldn't get a full-time employee with benefits and retirement for \$60,240, the annual expense associated with this service.

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

8. First Reading - RESOLUTION NO. 2011-88 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 said once again the topic is the police testing process. Not only was there the PRADCO assessment, there was also the Ohio Association of Police Chiefs for Assessment Center activities which supported the police lieutenant and sergeant promotions. The total cost was \$9775 and \$4820 was encumbered, so an additional \$4955 is needed to pay the invoice. Mr. Ansel said like the PRADCO assessment, the city did not accurately anticipate the full cost of this testing process based on the volume of applicants going through the process.

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

9. First Reading - RESOLUTION NO. 2011-89 AMENDING RESOLUTION NO. 2010-17 BY INCREASING THE AMOUNT OF THE CONTRACT (Silvestri)

Mr. Silvestri explained this request is to authorize the extension of an existing contract through June 30, 2012 with Agri-Sludge, Inc. for sludge hauling and disposal. The original contract amount was \$790,000 and \$350,000 additional money is needed. Mr. Silvestri said according to Jim Borton, Utilities Division Manager, the contract was originally budgeted for \$2 million, but the contract came in under that amount and the remaining budgeted funds were disbursed elsewhere. Mr. Silvestri mentioned that the money will come out of the Water and Water Pollution Control Funds and will not impact the General Fund. Mr. Silvestri said Mr. Borton advised that the amount of sludge is down significantly from years 2008, 2009 and 2010. In January of 2011 the biotower came online and reduced the sludge hauling to much more reasonable levels. Problems at the Water Pollution Control Plant and increased diesel fuel costs has impacted the current increase. Mr. Ulbright thought he recalled in recent past Mr. Borton saying the sludge hauling at some point would come to an end. Mayor Breneman said there will always be sludge to haul as it is a component of waste water treatment, although the amount has and will lessen due to the biotower. Mr. Ulbright asked that Mr. Borton supply council with sludge hauling comparisons over the last 2-3 years by month (2009, 2010, 2011), to see how the sludge hauling amounts are coming down and that the volume is reducing due to the biotower. Mr. Buytendyk added that he would also like to see future projections for the sludge hauling. Mr. Ansel questioned why this was under budgeted and also said the fuel surcharge is down over the prior year. He requested that Mr. Borton also include in the operating expense summary the total line haul costs and the fuel surcharge costs for prior year to current year to next year. Ms. Knapic wanted to know when we knew the additional \$350,000 was going to be needed. Mr. Silvestri said since Mr. Borton was unable to attend the meeting and answer council's questions, he would leave the resolution on first reading.

10. First Reading - RESOLUTION NO. 2011-90 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE AND INSTALLATION OF TRAFFIC SIGNALS AND RELATED EQUIPMENT (Ulbright)

Mr. Ulbright said the estimated cost of this project is \$118,000 and is a budgeted item from the Street Construction Maintenance and Repair and Capital Improvement Funds. The request is for the replacement of the traffic signal at Friendsville Road and SR83, to upgrade the existing wire and hanging signal heads to the current pole and mast arm design. Mr. Ulbright said this is all part of the Friendsville Road improvement project scheduled for next year. City Engineer Joel Montgomery answered questions from council. He said the current equipment does not measure up to ODOT standards and due to its age requires additional maintenance and the replacement parts are outdated. Mr. Montgomery also mentioned that a pedestrian crossing will be added at the intersection as well.

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

11. First Reading - RESOLUTION NO. 2011-91 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE AND INSTALLATION OF A TRAFFIC SIGNAL AND RELATED EQUIPMENT ON BEALL AVENUE, IN FRONT OF LOWRY CENTER ON THE CAMPUS OF THE COLLEGE OF WOOSTER (Ulbright)

Mr. Ulbright explained the total project cost is estimated at \$50,000 of which the College of Wooster is committing \$25,000 (50%). The city's share will be appropriated from the Capital Improvement Fund, Permissive Tax Fund and /or the Street Construction Maintenance and Repair Fund. Mr. Ulbright said this is a special pedestrian crossing light needed to protect the College of Wooster students along the improved Beall Avenue. A traditional traffic signal was not warranted by Ohio traffic laws due to lack of sufficient traffic volume, pedestrian volume and pedestrian delay. However, a recent provision adopted by Ohio and included in the OMUTCD allows for the placement of a Pedestrian Hybrid Beacon (HAWK). Mr. Ulbright gave a break down of the \$50,000 cost: Thompson Electric Company who are familiar with the Beall Avenue electrical equipment will install the signal pole, beacon equipment and electrical work (\$25,000), the beacon manufacturer will supply the beacon equipment (\$15,000), additional signage and pavement markings for the Beall Corridor adjacent to the Lowry crosswalk (\$5,000) and contingencies (\$5,000). Mr. Ulbright said the beacon manufacturer gave the city a good price as they would like to showcase their product as it will be the first one installed in the State of Ohio. City Engineer Joel Montgomery said a standard streetlight will also be installed to illuminate the crosswalk area. Mr. Ulbright explained the sequence of operation for the HAWK, which he said will take a little time for pedestrians to get use to. Steve Glick, Chief of Security for the College of Wooster, said they think this is the best solution, not only for pedestrian safety, but also to address the concerns of the citizens for traffic flow. Mr. Ulbright asked Mr. Glick to report back to council after a month, six months and a year, to see how the light is working out. Mr. Montgomery added that unlike a regular signal, the light will remain blank until someone hits the button to activate the phases.

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

12. First Reading - RESOLUTION NO. 2011-92 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH THE SOURCING OFFICE, A COUNCIL OF GOVERNMENTS ESTABLISHED FOR THE PURPOSE OF GROUP PROCUREMENT OF SUPPLIES AT PREFERENTIAL RATES (Ansel)

Mr. Ansel said under §167 of the Ohio Revised Code there is a managed group purchasing service, otherwise known as a purchasing cooperative, that ensures all the contracts for consumables, maintenance repair, operating supplies, etc., are administered in accordance to the applicable public sector guidelines and laws. Because of their

volume buying power, they have good unit pricing available to municipalities. Mr. Ansel said this contract will give city administration the option to utilize the Sourcing Office for purchases and there is no fee for this service.

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; Buytendyk-yes; Cavin-yes; Knapic-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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VIII. MISCELLANEOUS

Council members urged everyone to go out and vote on Tuesday, November 8, 2011.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 10:00 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council