



WOOSTER CITY COUNCIL MINUTES
September 15, 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, Craig Sanders, David Silvestri and Jon Ulbright.

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

II. APPROVAL OF MINUTES

Ms. Knapic moved, seconded by Mr. Silvestri, to approve the minutes of the September 2, 2014 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman briefly recapped several recent local events including the Wayne County Fair and the Wooster Arts and Jazz Festival. Mayor Breneman reported city administration had the opportunity to meet with the new management of ABS Materials and wish the company well in their new projects. Mayor Breneman also reported that the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) came to Wooster Community Hospital (WCH) to perform an evaluation. Mayor Breneman was pleased to report that after a checklist with 1,478 points of inspection, he was informed there were only approximately 30 items WCH will need to address.

Mayor Breneman reported city managers are to submit their 2015 budgets to city administration soon, and Council should receive the compiled budget information in November.

Mayor Breneman also reported the State Route 585 and the Daisy Brand projects are making significant progress. He encouraged council members to drive out to those areas to take a look at the progress that has been made. Mayor Breneman also reported curbs and gutters along Friendsville road are being poured.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following member of the audience spoke: Linda Houston, 1823 Burbank Rd., (Ord. No. 2014-22).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel reported the Finance Committee met earlier in the evening to receive a presentation by Whitaker Myers Insurance Company and a representative from the Ohio Plan. Mr. Ansel said the committee would recommend to council to approve Resolution No. 2014-59 regarding the proposed contract for provision of property and general liability insurance. Mr. Ansel reported the city's 2008 insurance premium through the Public Entities Pool (PEP), was \$268,100 and there were many inaccuracies in the assets and property valuations. The city put the contract out for bid in 2009, and the successful bidder was the Ohio Plan. Mr. Ansel reported that the city now has \$5.2 million of additional assets, and the annual premium quoted from the Ohio Plan for the upcoming contract period is \$195,000.

Mr. Ansel said the committee also briefly discussed the financing of the wet stream upgrade for the Water Pollution Control Plant. Mr. Ansel stated \$713,852 of the project will be financed through the Ohio Public Works Commission (OPWC) with a zero percent interest 30-year loan and the rest, \$4.2 million, will be financed with G.O. bonds at the market interest rates. Mr. Ansel said the committee also has a consensus recommendation on this item. Mr. Ansel emphasized that the improvements are being funded through the operating fund and will not affect user rates.

Ms. Knapic reported that she conducted a Laws and Ordinances Committee meeting earlier to discuss the proposed amendments to the city zoning code. She stated Mr. Dutton attended to explain many of the changes to the committee. Ms. Knapic noted the changes had been presented to the Planning Commission, which recommended all the changes to city council with two exceptions: changing Public Safety, Health and Utility Facilities to from conditional to permitted use in a residential zoning district and changing the allowable time of display for temporary signs. Ms. Knapic also noted a proposal from Mr. Dutton to require a hearing in front of city council whenever there is a development plan application for a public safety, health and utility facilities to be built in a residential zoning district. Ms. Knapic stated she would leave the proposed changes on first reading.

PUBLIC HEARING: Proposed amendments to City of Wooster's Zoning Code: Chapter 1115 (Submission Requirements), Chapter 1119 (Amendments), Chapter 1125 (General Use Regulations), Chapter 1131 (Community Facilities District), Chapter 1133 (Single-Family Residential Districts), Chapter 1135 (Multi-Family Residential Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (Campus, Professional, Research and Office District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1149 (Nonconforming Use, Lots, and Structures), Chapter 1163 (Environmental Protection Regulations), Chapter 1165 (Landscaping and Land Use Buffers), Chapter 1171 (Sign Regulations), Chapter 1173 (Regulations for Wireless Telecommunications Facilities) and Chapter 1181 (Vehicular and Pedestrian Circulation).

Ms. Knapic opened the public hearing and invited members of the audience to speak to the proposed changes. Several members of the audience spoke to express their concerns with various parts of the proposed changes. Ms. Knapic closed the public hearing.

Mr. Ulbright stated he would be conducting a Public Infrastructure Committee meeting on Monday, October 6, 2014 at 6:30 p.m. in council chambers to discuss the road rating results as well as the condition and repair options of East Pine Street.

VI. OLD BUSINESS

1. Second Reading – **ORDINANCE NO. 2014-22 AN ORDINANCE AUTHORIZING THE MAYOR TO IMPLEMENT THE CITY'S LAST, BEST AND FINAL OFFER FOR MEMBERS OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY (Ansel)**

Mr. Ansel thanked all three city employee unions for agreeing to freeze wages over the last several years when the economy took a downturn. Mr. Ansel noted negotiations for a new contract with the Wooster Employees' Association (WEA) began in October 2013. Mr. Ansel stated meetings, dialogue, and discussion continued through March 2014 without the two sides coming to an agreement. Mr. Ansel said this legislation was left on first reading at the last council meeting in the hopes the WEA would vote on the last, best, and final offer from city administration. Mr. Ansel reported he received an email from the WEA president the previous evening informing him the union was prepared to take a vote later in the week. Mr. Ansel stated council has the opportunity to approve the legislation and, regardless of the WEA vote, the employees could receive a pay increase starting on the following Monday.

Mr. Ansel moved, seconded by Mr. Myers, to suspend the rules and place on third and final reading. Upon roll call, motion carried with a vote of six to one, with Mr. Ulbright opposing (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-no).

Mr. Ulbright stated he thought there was no harm in waiting for the WEA to vote on the proposal and council could schedule a special meeting, if necessary, to approve the contract. Mr. Ulbright said he would prefer to let the WEA vote first before council votes to approve the contract. Ms. Knapic said she considered the same idea; however, she came to the conclusion the WEA has had more than a month to consider the proposal and council would be not be doing its duty to allow employees to get their deserved raises if they were to delay any further. Ms. Knapic said she received no response when she asked the WEA why they did not hold a vote earlier. Mr. Myers said if council approves the legislation tonight, then the WEA members can receive their raises regardless of whether or not council approves the contract. Mr. Myers added he believed an affirmative vote would demonstrate the city council and administration want to see the employees get raises and they are in agreement as to the proposal.

Mr. Cavin stated he wished to recall his vote on the suspension of the rules.

Mr. Cavin moved, seconded by Mr. Ulbright, to reconsider the question of moving the legislation to third and final reading. Upon roll call, motion failed with a vote of three to four. (Ansel-no; Cavin-yes; Knapic-no; Myers-no; Sanders-no; Silvestri-yes; and Ulbright-yes).

Mr. Ansel moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried with a vote of five to two, with Mr. Cavin and Mr. Ulbright opposing (Ansel-yes; Cavin-no; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-no).

2. Second Reading – ORDINANCE NO. 2014-23 AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER TO PICK UP A PORTION OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR ALL LABOR, TRADES, TECHNICAL, CLERICAL AND ADMINISTRATIVE EMPLOYEES OF THE CITY PURSUANT TO I.R.C. SECTION 414(H)(2), AND DECLARING AN EMERGENCY (Ansel)

After a brief discussion with city administration as to pay period and effective dates, Mr. Ansel stated he would move to amend the dates referenced in the legislation.

Mr. Ansel moved, seconded by Mr. Silvestri, to amend the effective date of the changes in Section 2 from September 2, 2014 to September 15, 2014 and to amend the effective pay date in Section 1 from September 12, 2014 to September 26, 2014. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ansel explained this legislation is a companion to the previous piece of legislation and asks the Ohio Public Employee Pension System (OPERS) to change the contribution rate for all employees hired after the passage of the previous legislation.

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

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-24 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF

THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)

Ms. Knapic stated there was ample discussion during the committee meeting and the public hearing, so she would leave the legislation on first reading.

2. First Reading – ORDINANCE NO. 2014-25 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,800,000 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT, AND ACQUIRING, CONSTRUCTING AND INSTALLING RELATED WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (Ansel)

Mr. Ansel stated this topic has been discussed at length and also reiterated that the cost of this project will not affect water and sewer rates as it is funded through operations.

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

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

Mr. Silvestri thanked Mr. Dordea for finding a way to pay for the upgrades mandated by the Ohio EPA and added he was glad to hear the project will not affect user rates for the residents. Mr. Myers said he would like to suggest the city look at its testing matrix to make sure it is doing everything it can to protect the health and safety of its citizens and to protect the investment in the Water Pollution Control Plant.

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

3. First Reading – RESOLUTION NO. 2014-57 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR FUEL SERVICES FOR CITY VEHICLES (Ansel)

Mr. Ansel stated the city will advertise according to law for fuel services and enter into a contract for those services. Mr. Ansel said if the competitive bid process does not return a bid that is less than the state bid, then the city will defer to the state program. Mr. Ansel said the contracts are priced on a cost per gallon index with a small percentage over the index price due to fluctuations in fuel prices. Mr. Silvestri asked about the average annual cost. Mr. Montgomery replied he believes it to be around \$200,000.

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

4. First Reading – RESOLUTION NO. 2014-58 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO

LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST
BIDDER FOR PURCHASING ROAD SALT (Ulbright)

Mr. Ulbright stated the city can go through the Ohio Department of Administrative Services or the Ohio Department of Transportation's purchasing programs if those bids are lower than what the city obtains through its own bid process. Mr. Ulbright stated the city was able to purchase salt last year for \$35 per ton and the price has risen to between \$60 and \$70 per ton for 2014. The city used over 9,000 tons of salt last year and estimates it will use approximately the same amount this year. Mr. Ulbright explained that a special type of salt that works better at very cold temperatures will not be available this year. Mr. Myers asked what the city would do if the temperatures dip below zero and the city gets a lot of snow. Mr. Ulbright replied that he was told the city would end up doing a lot more plowing.

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

5. First Reading – RESOLUTION NO. 2014-59 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR PROPERTY AND GENERAL LIABILITY INSURANCE FOR THE MUNICIPAL GOVERNMENT (Ansel)

Mr. Ansel stated the proposed contract with Whitaker Myers Insurance and the Ohio Plan is a three-year renewal contract that will cost \$195,000 in the first year and the rate is guaranteed not to exceed a 3% increase in each of the second and third years. Mr. Ansel explained the Ohio Plan specializes in risk management.

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

Mr. Ulbright stated the thing that most impressed him was the Ohio Plan risk manager visits the on a regular basis to make sure the coverage is airtight and up-to-date. Mr. Ulbright also added he was pleased to learn the Ohio Plan shares information amongst their member municipalities so that all members can benefit from the information. Mr. Ansel added the Ohio Plan has 700+ members.

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

6. First Reading – RESOLUTION NO. 2014-60 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH URS OF COLUMBUS, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT (Sanders)

Mr. Sanders stated the legislation would allow the city to enter into a contract with URS for limited construction, administration, and inspection of the upgrades to the Water Pollution Control Plant. Mr. Sanders said the total cost is \$189,500 and the city Engineering Division will supply 250 man hours of additional on-site inspections. If the city were to use URS for the entire project, the cost would be at least \$50,000 more.

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

VIII. MISCELLANEOUS

Mr. Ulbright stated he is glad the WEA employees will be receiving a raise and wanted to clarify that his vote had nothing to do with preventing them from getting that raise.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 9:37 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council