

CITY COUNCIL MINUTES
September 16 2013

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, Craig Sanders, David Silvestri, Jeff Steiner, and Jon Ulbright.

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

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ansel, to approve the September 3, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman provided a quick update to council to state that the managers have submitted their budget requests for 2014 and administration is now working on reviewing and putting those requests into a format that can be presented to council soon. Mr. Breneman also stated that paving projects are continuing on Liberty Street Extension and Burbank Road. Mr. Breneman also highlighted the council of governments legislation that is on the agenda for council consideration. Mr. Breneman, Mr. Montgomery, and Mr. Steiner attended an Ashland city council meeting to find out how the topic is being handled and discussed by that body. Finally, Mr. Breneman stated that Ordinance No. 2013-36 is on the agenda as a result of the need to replace communications devices that will be displaced when the Winter Street water tower is dismantled in 2014. Mr. Breneman reminded council and the audience that the city purchased the Layton School property with the intention of using it for the site of a future water tower. While that is still the intent, the Mayor stated that it would be irresponsible of city administration not to seek out other uses for the property. Mr. Breneman said that the city is investigating possible uses for the school building. A third use that came up in discussion was to use it for the site of a communications tower to provide a location for the communications equipment that will be removed from the Winter Street tower.

Mr. Breneman also noted resolution numbers 78, 80, and 81 utilize grants for city projects. Passage of these resolutions will allow the city to complete needed work at a lower cost than without the grants.

Mr. Breneman concluded his comments by recognizing the loss of Flo Gault, Dr. Viola Startzman Robertson, and Julia Fishelson. He noted that each woman made significant contributions to the city of Wooster and to the community, and they will be sorely missed.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Mr. Buytendyk noted that the clerk of council received a petition submitted by Mr. Jim Pooler regarding the proposal to place a communications tower on the Layton School property. Mr. Buytendyk noted that he forwarded that petition to council members via email.

The following members of the audience spoke: Lou Whitman, 1836 Burbank Rd., (2013-36); Richard Silver, 314 Kurtz St. (2013-36); Han Mahle, 1 Barberry Rd. (2013-36); Barbara Weinstein, 134 Reed Rd. (2013-36); Amyaz Moledina, 1 Barberry Rd. (2013-36); Jimmy Pooler, 1814 Burbank Rd. (2013-36); Linda Siegel, 1839 Burbank Rd. (2013-36); Dennis Vitaro, 2846 Woodside Dr. (2013-36); April Gamble, 15 Salter Rd. (2013-36); Linda Houston, 1823 Burbank Rd. (2013-36); Greg Gehris, 341 N. Grant St. (2013-38); Tom Maurer, 331 Elm Dr. (2013-36); and Jeff Griffin, 245 Elm Dr. (2013-36).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Sanders reported on a recent tour of the Water Pollution Control Plant held on September 4, 2013. The Utilities Committee members were able to see the progress on the biosolids processing system, which Quasar is working on

with the city. Mr. Sanders stated that the work is moving along quickly and the entities plan to have the new system online by the end of the year.

VI. OLD BUSINESS

1. Third Reading – ORDINANCE NO. 2013-36 AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH A QUALIFIED VENDOR FOR THE CONSTRUCTION AND MAINTENANCE OF A COMMUNICATIONS TOWER AND RELATED FACILITIES ON CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY (Cavin)

Mr. Cavin stated that he intended to make a motion to table this ordinance until council's next meeting on October 7th to give residents a chance to meet with city administration to obtain further information. Mr. Ulbright wanted to clarify that the city is currently engaged in a study as to what is the best use for the Layton School building. Mr. Ulbright said that the study is not complete and that city administration and council are not close to having all of the information they would need to make a decision on the use of the school. Mr. Ulbright also noted that a jail would never be located on that property. Mr. Ulbright cited information provided by Mr. Montgomery in stating that the jail is required by law to remain at the Justice Center. Mr. Ulbright addressed questions regarding the plans for a water tower on Schellin Road at the north end of town. He clarified that the water tower is to be in addition to the other water towers currently in use and not as a replacement for the Winter Street tower. Mr. Ulbright went on to say there are many factors considered in finding a location for a communications tower. Mr. Ulbright informed audience members that the city has a master plan, which is updated as needs arise, and there is no hidden or ulterior motive in selecting the Layton Tower property as the location for the communications and water towers. Mr. Ulbright also sought to draw a distinction between perceived and real value as it pertains to property. Mr. Ulbright stated that he intends to keep an open mind, to listen to the information presented on this subject to make a decision that he believes is best for the good of the community.

Mr. Cavin moved, seconded by Mr. Ulbright, to table this legislation until the next meeting. Upon roll call, motion to table carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Buytendyk asked if Mr. Montgomery would mind making copies available to the audience of the memo administration sent to council, to which Mr. Montgomery replied they would.

2. Second Reading – ORDINANCE NO. 2013-37 AN ORDINANCE AMENDING CHAPTER 155, DESIGN AND REVIEW BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS (Knapic)

Ms. Knapic stated that she would like to leave this legislation on second reading to allow council members additional time to review the extensive changes and to raise any questions that may be generated.

3. Second Reading – ORDINANCE NO. 2013-38 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE CREATION OF THE WOOSTER-ASHLAND REGIONAL COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated that he had provided council members with additional information regarding the purpose and reasoning behind the bylaws and the articles of agreement. Mr. Steiner also stated that he accompanied city of Wooster administration to a meeting in Ashland to listen to their discussion about the council of governments. Mr. Steiner stated that this legislation is necessary to allow Wooster and Ashland to proceed with setting up the council of governments and then to discuss ways to use it. The specific focus will be on joint dispatching services. Mr. Ulbright asked for clarification that if council passes this legislation, the council of governments is formed, but does not function to the city's liking, then the city can get out of the agreement. Mr. Steiner confirmed that there is a

five-year initial timeframe, and we can leave the council after that time. Mr. Ulbright also asked for clarification that this legislation does not set up any dispatching station, but only starts the formation of the council of governments. Mr. Steiner affirmed that was the case and further stated that once the council is formed with the agreements, then the discussions will begin on forming a joint dispatching center. Mr. Steiner stated that any required funding would come before council for approval. Mr. Silvestri asked about council's oversight role. Mr. Steiner replied that city council has the power to confirm any members of the executive board from the city's part of the council. Mr. Silvestri asked about the composition of the board. Mr. Steiner stated that it would not necessarily be council members on the board, and members would likely include the chiefs of the city's safety services. Mr. Montgomery added that the bylaws require at least one member of the board needs to be an elected public official. Mr. Silvestri stated that he did not feel comfortable voting on this measure as he would like to have further information before making a determination.

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

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

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2013-77 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS (Ansel)

Mr. Ansel informed council that the Wayne County Tax Incentive Review Council recommended the continuance of the Enterprise Zone Agreement with Luk USA LLC (Luk). The results of the most recent Annual Monitoring Report prepared by the county states that Luk has exceeded the requirements of its Enterprise Zone Agreement. Mr. Ansel noted that the project is not a training facility as noted in the county's minutes, but instead is a high volume production stamping facility. Mr. Silvestri asked for clarification as to who controls the Enterprise Zone in which Luk is located. Mr. Ansel stated that part of the facility was located within the city limits and, until a recent annexation, other parts of the facility were located outside of the city limits. Mr. Benson stated that the city and county have an agreement that the county will apply the city's Enterprise Zone (EZ) guidelines on property that is located within the city limits but not within the city's EZ.

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. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously. (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-no; Steiner-yes and Ulbright-yes).

2. First Reading – RESOLUTION NO. 2013-78 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders stated that this resolution would permit the Engineering division to apply for and accept Ohio Public Works Commission funding for a water line replacement on Burbank Road between Elm Drive and Oldman Road

and on Ihrig Avenue from Burbank Road to Cleveland Road. The total grant funding sought is \$500,000, which would cover 45% of the project cost. The project will include 6,000 feet of 12" water line, 15 fire hydrants, and 55 water service connections. The application has been submitted to OPWC and this resolution is needed to complete the application.

Mr. Sanders 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. Sanders moved, seconded by Mr. Ansel, 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 – RESOLUTION NO. 2013-79 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2013 (Steiner)

Mr. Steiner explained that this resolution is to authorize the purchase of three automobiles for the detective division. Mr. Steiner also stated that these cars are a different make and model from the last purchase because these have the necessary equipment package for the detective division and the others did not. Also, it is useful to have unmarked cars that do not look the same as the police cruisers so they are not easily recognized. Mr. Steiner also noted that the city received a bid from a local dealer that came in below the state minimum bid.

Mr. Steiner moved, seconded by Mr. Ulbright, 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. 2013-80 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING ARMSTRONG DRIVE (Sanders)

Mr. Sanders informed council that this resolution states that the city needs to replace the waterline along Armstrong Drive. The line has a history of breaks and bad water complaints. If the project is not done before the Portage Road resurfacing, then the city will have to tear up Portage Road to do this in the future.

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. Steiner moved, seconded by Mr. Ansel, 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. 2013-81 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A JOINT APPLICATION WITH WAYNE COUNTY TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders stated that this resolution would permit the Engineering division to apply for and accept Ohio Public Works Commission funding in the amount of \$80,000 to resurface Oak Hill Road from Oldman Road to Milltown Road and Milltown Road to the corporation limits. In addition to the funding from OPWC, Wayne County will also contribute \$69,600 toward the total project cost of \$200,000. The city's share will be \$50,400. Two inches of

deteriorated surface will be removed and replaced with two and one-quarter inches of new asphalt. Mr. Ulbright noted how important Oak Hill and Milltown Roads are to residents traveling to and from the north end of Wooster, and was glad to see this project come forward. Mr. Cavin asked if there were any plans to widen Oak Hill Road. Mr. Sanders replied that this particular project is only to repave the current road.

Mr. Sanders 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. Sanders 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).

X. MISCELLANEOUS

XI. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 9:14 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council