

CITY COUNCIL MINUTES  
September 6, 2005

President Judi Mitten called the regular meeting of City Council to order at 7:30 p.m. in the council chambers and upon roll call, members answered present as follows: Breneman, Buytendyk, Cavin, Griffin, Silvestri, Topovski, Ulbright.

President Mitten asked for a moment of silence for the victims of Hurricane Kristina; we as a city have sent four officers and the county has sent 10 officers to assist.

Mr. Topovski moved, seconded by Mr. Ulbright, to approve the minutes of the June 20, 2005 meeting. Motion carried. Mr. Silvestri moved, seconded by Mr. Ulbright, to approve the minutes of the June 27, 2005 special meeting. Motion carried. Mr. Ulbright moved, seconded by Mr. Topovski, to approve the minutes of the July 5, 2005 meeting. Motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to approve the minutes of the July 21, 2005 special meeting. Motion carried.

Mr. Dordea read part of a document into the record titled "Declaration of Official Intent" which related to the reimbursement of expenditures from bonds or notes regarding the E. Milltown Road improvement project.

The following people spoke to the issue of the easement for encroachment upon a public alley (Ord. 2005-29): Clifford Hill, 1165 Billiar St. (Mr. Hill also had a complaint regarding AEP and a street light on his street that had been out, his car had been broken into two times in one week and he had requested more police enforcement); John Leach, 1150 Pittsburgh Ave.; Betty Shearer, 1164 Rebecca St.; Sheryl Knopp, 315 Bardon St.; Nan Tillis, 303 Bardon St.; Pat Geib, 1123 Eastern Ave.; Greg Boss, 153 Billiar St.; Curtis Cross, Sr., 1115 Rebecca St.

Resolution No. 2005-62 declaring the necessity of constructing sidewalks and curb ramps on portions of Quinby Avenue and North Bever Street, and declaring an emergency was read by title, being on third reading. Mr. Ulbright moved, seconded by Mr. Breneman, to adopt. Mr. Ulbright stated that we've had a good explanation of this during the past two meetings and he again referred council to the codified ordinances, Chapter 903.10, Sidewalks on Improved Streets that stated four reasons for constructing sidewalks on improved streets. Sidewalks bind communities together and when you have quirks where whole sections of sidewalks are missing in an area that has sidewalks all around, this needs to be corrected. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-29 authorizing the Mayor to execute an easement for an encroachment upon a public alley, and declaring an emergency was read by title, being on first reading. Mr. Ulbright stated that he had listened carefully to the comments made from the neighbors tonight and oftentimes when one tries to correct a problem in one area it might create a problem in another. Mr. Ulbright reviewed the history of how and why this legislation had come about (residents of Palm House Apartments speeding on Billiar Alley/Street). A lengthy discussion followed and it was decided to leave this on first reading to give residents a chance for further input.

Ordinance No. 2005-30 authorizing the Director of Finance of the City of Wooster, Ohio to establish the Federal Emergency Management Agency (FEMA) Fund was read by title, being on first reading. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Mr. Breneman stated that this was money coming back to our community from the federal government for a natural disaster, that being the ice storms we had last December and January. These funds are reimbursing the city for costs incurred in the cleanup efforts. Our actual costs were approximately \$74,000 and FEMA has given us \$57,631 to offset some of those expenditures (the grant covers 75% of our costs). These funds must be set up in their own account and that's the reason we're enacting this legislation to establish this special account. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-65 authorizing the Director of Administration to purchase items of specialized technology, to wit: the iconic software package for the Water Treatment Plant, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that the information provided on the back of the resolution explains this request quite well; our software needed upgraded. The iconic software has more far reaching capabilities than what we're doing tonight; we're starting with the water plant and then hoping to align the wastewater plant together on the same platform and upgrade the software to that end. Mr. Hunter explained that in looking towards the future and looking at both plants, we weren't certain when everything was going to fall for that project. When we starting looking at the iconic package, we felt it would be a good platform for both water and wastewater, and beginning with the water treatment plant we would get our feet wet with this particular product. Specifically, the reason this wasn't budgeted was that we weren't fully aware of how things were going to fall with the water pollution control plant and how that project was going to go. Mr. Collins, Asst. IT manager, stated that the current software offers no more upgrades, it doesn't communicate with all the devices we would like it to and the machines it currently runs on are over seven years old and they do not make machines that will work with the hardware that's now plugged into the machines. The iconic system was written to a new industrial standard that traffic controllers and several other automated devices throughout the city are beginning to subscribe to, so we don't need to buy another system in the future specifically for that. A short discussion followed and Mr. Griffin moved, seconded by Mr. Breneman to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-66 authorizing the Director of Administration to advertise according to law land enter into a contract with the lowest and best bidder for the demolition of the old water treatment plant, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this was anticipated and planned; the \$3 million dollars was for removal of the buildings and the EPA has required abandonment and clean up of the sludge lagoon. This amount was a very high estimate and could come in much less. We plan to contract someone who will haul the sludge for us so that we don't have to get into the transportation and marketing of the sludge. Mr. Ulbright asked why this was so expensive? Mr. Sigg stated that the original estimate was based on whether we had to bilt press and landfill the lime; all the lime has to be removed from the lagoon and something has to happen to it. The high estimate was based on if we had to bring the machinery in to press it into cakes and then haul it to a landfill. We've had

interest from contractors who do farmland applications and that was the better use for soil supplement for area farms and the only down side to that was the time it would take to land apply this but it would be substantially less than pressing it. Discussion followed and Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-67 accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor was read by title, being on first reading. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Mr. Breneman stated that this was a yearly process which started back in the spring when we gave the numbers to the county and this was the county advising the maximum amount we can receive by law which was 3.6 mils coming to the General Fund, .30 mils to the police pension fund and .30 mils to the fire pension fund from property taxes. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-68 authorizing the Director of Administration to enter into a professional or technical services contract with the Wooster Soccer Association for soccer-related activities services, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that twice a year the city contracts with the Wooster Soccer Association to provide their services for the soccer leagues for the spring and fall seasons. Mr. Topovski explained those services provided by their association and those provided by the City and he also reviewed the number of participants involved and the fees that were charged. A short discussion followed. Mr. Topovski moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-69 appointing an Assessment Equalization Board for the E. Milltown Road reconstruction project, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that the three individuals would serve on the equalization board for the E. Milltown Road project. He had asked Mr. Sigg whether these individuals were aware of the trip generation philosophy, as that was very important for them to be knowledgeable of when these residents were affected by this assessment. Mr. Sigg had assured him that these three individuals were aware of the reasoning. The meeting will take place on September 20 at 7:00 p.m. here in council chambers. Mr. Buytendyk stated that we have three excellent individuals as he knew all of them – one was an engineer, one a mortgage broker and an attorney. He had served on an equalization board for the Madisonburg project so to get three people of this caliber to be willing to spend time and hear what the residents have to say, we're most fortunate. Mr. Breneman agreed with Mr. Buytendyk; he knew two of these people and he just wondered if they knew what they were getting into. Mr. Breneman asked how many letters of objection were filed? Ms. Stanley (clerk of council) answered that there were approximately 100 letters, but out of that 100, about 69 were form letters from Bayberry Cove residents. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-70 authorizing the Director of Administration to enter into a contract with Arcadis FPS of Akron, Ohio for professional engineering services related to the updating of the city sanitary sewer system model, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this was relative to the NPDES (national pollutant discharge elimination system) and our obligation to complete and submit a long-term control plan. This body which started back in 1972 with the Clean Water Act, the goal of which was to make all rivers swimmable and fishable with zero discharge and we aren't quite there yet but we need to continue to strive to make that effort. There was a new mandate from the US EPA to submit these long-term plans. Mr. Griffin explained the process involved. Discussion followed and Mr. Griffin moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2005-71 authorizing the Director of Administration to enter into a contract with Arcadis FPS of Akron, Ohio for professional engineering services related to the upgrade of two pump stations, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this would get the ball rolling on a project that was budgeted for 2005-2006 and was just the engineering costs for a \$1.5 million dollar project which was the Mechanicsburg Road pumping station and the Buckeye Street pumping station. Both were costing a lot to maintain, as they were both in a state of disrepair. A short discussion followed and Mr. Griffin moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-72 authorizing the Director of Administration to enter into an agreement with the Wayne County Humane Society for cat control services within the City of Wooster, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this would replace Resolution 2005-42. At the time we passed that legislation, the Humane Society had come to us because they were having problems with controlling the cat population in Wooster. The resolution as written stated that the agreement was for animal control services for the City of Wooster. We had meetings with the county people to determine how to administer the \$15,000 but because of the language of the resolution, the county didn't want to put themselves in a position where they would be doing additional animal control nor did the humane society. We've been struggling with this all summer in meetings and we thought it was best to reintroduce this with different language and we found a way to give money directly to the Humane Society without going through the county since they weren't performing animal control services. A short discussion followed and Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2005-73 authorizing the Director of Administration to enter into a contract with American Electric Power for the installation of a power supply for the Melrose Lift Station, and declaring an emergency was read by title, being on first reading. Mr. Griffin asked Mr. Borton to explain this. Mr. Borton stated that many of you might remember back at the February

meeting, that I kept popping in and out of the meeting. We had a problem at the lift station where our roto-phase had burned out and it was at this station. At the time this was built, there was no three phase power available in that area so they installed a device called a roto-phase which was essentially a 30 horsepower electric motor which creates a third phase of electricity and allows us to run high horsepower pumps in that lift station which were required for that application. That roto-phase has been a maintenance nightmare since the day it was put in because of the technology and it was electrically inefficient. It's also low voltage and it gets to the point where it won't run anymore and kicks out and we have to send up a crew quite frequently to reset the system to get it up and running which adds about \$1400 a year in overtime charges. We really need to address this problem. Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Buytendyk, to adopt. Upon roll, motion carried unanimously.

Resolution No. 2005-74 authorizing the Director of Administration to enter into a contract with SMC Communications of Wooster, Ohio for specialized technology, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was to continue updating our phone system; it was a budgeted amount taking from various operating budgets for 2005. Mr. Dordea stated that SMC services various departments and similar to Mr. Malta's legislation, we're getting close to the threshold of \$15,000 and there is a larger project that SMC will be undertaking with respect to updating communication systems for the fire division which will take the contact over the threshold. That's why we're here tonight. Mr. Sigg stated that SMC services the entire city's phone system throughout the various departments; we have no one on staff who has expertise in this area. Mr. Ulbright asked what the cost of the contract was. Mr. Sigg stated that it was on an ongoing basis; they charge us an hourly rate as needed. Discussion followed. Mr. Silvestri and Ms. Cavin were not comfortable with the fact that there was no cap on the cost of the contract. Mr. Silvestri moved, seconded by Ms. Cavin, to amend the resolution in Section 2 to state that "the cost of such contract will not exceed the amount of \$25,000 for this purpose. . ." Upon roll call, motion to adopt the amendment carried by a 4-3 vote as follows: Silvestri-yes; Topovski-yes; Ulbright-yes; Breneman-no; Buytendyk-no; Cavin-yes; Griffin-no. Mr. Breneman moved, seconded by Mr. Ulbright, to suspend the rules and place the amended resolution on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Ulbright, to adopt the resolution as amended.

### Miscellaneous

Mr. Ulbright stated that he had talked to Mr. Sigg about the problem Mr. Hill had had with AEP and the streetlight on his street. He asked who would be in a better position to note streetlights that were out than police officers on a slow night stopping and getting the number off the pole? Chief Thornton stated that we actually do that about once a year where the guys do take an inventory and report it to AEP. Mr. Ulbright asked the chief to remind the officers to do this again in the near future. They also discussed the enforcement issue in that area, in lieu of Mr. Hill's truck being broken into twice when the light was still out.

Mr. Ulbright stated that he had heard concerns from residents who lived up on one of the car streets who were upset that we were moving backwards, chip and sealing over a concrete street

and blacktop. He would join with those folks and hoped that our maintenance department would always maintain the level of the condition of the street and move forward. The residents track the tar and stones in on their carpets and it makes a mess. He hadn't had a chance to speak with Mr. Newman about the streets that were scheduled for repair.

Mr. Ulbright stated that we know that the bed tax issue would be coming up soon and at least three groups in the past and he assumed they would apply again. He would ask that Mr. Breneman call a work session of the finance committee not so much as to discuss how to divide up the monies that we normally divide up with the agencies but to discuss the monies that we keep or the percentage that we keep.

Mr. Breneman stated that with that said, he was going to alert the finance committee members that we are coming into our busy time of the year and we will have the bed tax issue in front of us shortly and we need to make sure we are all in agreement with the application. Mr. Breneman stated that he would send a copy to the members of his committee and suggest a date for a committee work session. We'll also need to start to discuss our 2006 budget.

Mr. Buytendyk moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 10:05 p.m.

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Judith K. Mitten  
President of Council

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Sheila Stanley  
Clerk of Council