



WOOSTER CITY COUNCIL MINUTES
September 8, 2015

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. All members of City Council were present, except Councilwoman Barbara Knapic.

City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Law Director Dick Benson, Finance Director Andrei Dordea, Development Coordinator Jonathan Millea, Public Properties Maintenance Manager Curt Denning, Police Chief Matt Fisher, Fire Chief Barry Saley and Assistant Fire Chief Nathan Murphy.

II. APPROVAL OF MINUTES

Councilman Myers moved, seconded by Councilman Sanders to approve the minutes of the August 17, 2015 regular meeting. Upon voice vote the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman communicated details regarding a letter the city received from the Ohio Development Service Agency, which awarded \$300,000 for critical infrastructure projects to replace traffic signals. The Mayor thanked the various employees/departments responsible for seeking and obtaining the grant.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Third Reading – ORDINANCE NO. 2015-25 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH CHESTERLAND PRODUCTIONS, PLL, FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY (Myers for Ansel)

Councilman Myers moved and seconded by Councilman Silvestri to table the legislation. (Councilman Sanders and Ansel recused themselves from voting.) Upon a voice vote the motion was tied. President Buytendyk called for a roll call vote: Cavin-no; Myers-yes; Silvestri-yes; Ulbright-no. Roll Call resulted in a tie and President Buytendyk voted to break, and voted yes to table. The motion to table passed.

2. Third Reading – ORDINANCE NO. 2015-26 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH CHESTERLAND PRODUCTIONS, PLL, FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY (Myers for Ansel)

Councilman Myers moved and seconded by Councilman Silvestri to table the legislation. (Councilman Sanders and Ansel recused themselves from voting.) Upon a voice vote the motion was tied. President Buytendyk called for a roll call vote: Cavin-no; Myers-yes; Silvestri-yes; Ulbright-no. Roll Call resulted in a tie and President Buytendyk voted to break, and voted yes to table. The motion to table passed.

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2015-57 A RESOLUTION AUTHORIZING THE PAYMENT OF MORAL CLAIMS, AS RECOMMENDED TO THIS

COUNCIL BY THE MORAL CLAIMS BOARD, AND DECLARING AN EMERGENCY (Ulbright)

Councilman Ulbright recounted the fact that a Moral Claims Board is unique to Wooster and how a particular matter would arrive to the moral claims board for consideration. In this particular case both the city's insurer and the claimant's insurer denied the claims. Councilman Ulbright went on to share in detail the specifics surrounding sewer back-up issues experienced by the Taggart Law Firm. In summary an 8 inch sewer lateral line extending from the Taggart Law Firm building was never attached to the 12 inch main sanitary sewer line.

As a result a back-up occurred and resulted in damage and repair costs, those costs totaling \$23,441.41. The Taggart Law Firm brought this issue before the Moral Claims Board to seek payment since this issue was not covered by insurance. It was determined after substantive deliberation within the Moral Claims Board and to pay half of the total bill in the amount of \$11,720.71, since negligence could not be assigned to either the City or Taggart Law Firm. Representatives of the Taggart Law Firm present at the meeting offered their experiences relating to this issue and the process they followed to resolve the issue. Councilman Ansel explained how the permitting and building process is now regulated and detailed the unlikely event of something similar to this occurring again as a result.

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

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

2. First Reading – ORDINANCE NO. 2015-32 AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE TO THE HIGHEST BIDDER (Silvestri)

Councilman Silvestri communicated the details of the city's acquisition of the former Layton Elementary school in 2013 for \$75,000. Given the property disrepair and the rising costs of maintenance it has been determined it is in the city's best interest to auction the property to save money. Only a portion of the property is to be auctioned, an easement will be retained for a bike path in the amount of 1.6 acres or the total 4.7 acres available.

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

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

3. First Reading – RESOLUTION NO. 2015-58 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2015 (Ulbright)

Councilman Ulbright highlighted the Public Properties Maintenance Division's need for a new dump truck vehicle. The cost of such a new vehicle will total \$155,000. Councilman Ulbright also noted the current vehicle to be replaced has been used as far as it can go and is almost 20 years old. The current truck will be auctioned on GovDeals.com.

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

4. First Reading – ORDINANCE NO. 2015-33 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WOOSTER GROWTH CORPORATION AND TEKFOR USA, INC., FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Ansel)

(Councilman Sanders recused himself from discussion/voting) Councilman Ansel extended his thanks to the representatives present from Tekfor. Councilman Ansel shared details regarding Tekfor's history in Wooster and some of the challenges that have been overcome to achieve success. Mr. Ansel then went on to review the details in the Enterprise Zone Agreement and the costs associated with approval. Due to a lack of sufficient votes present the ordinance was left on first reading.

5. First Reading – RESOLUTION NO. 2015-59 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE ITEMS OF SPECIALIZED TECHNOLOGY, TO WIT: RADIOS FOR THE POLICE DIVISION, AND DECLARING AN EMERGENCY (Cavin)

Councilman Cavin gave a brief overview of the pending legislation and solicited input from Mr. Montgomery. Mr. Montgomery shared details about upcoming cost savings deadlines approaching and the benefits to obtaining needed equipment at reduced costs. Some general discussion ensued about the capabilities of the County system and the WARCOG's future system and their ability to communicate. Chief Fisher gave details about available grants and the needs of the Police Department; he also noted taking advantage of these savings will save the police department \$50,000. Councilman Cavin recommended leaving the resolution on first reading to allow for more review.

6. Executive Session – Personnel Discussion

Councilman Ulbright moved, seconded by Councilman Ansel, to go into Executive Session. Upon roll call, motion carried (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Silvestri-yes and Ulbright-yes).

Councilman Ulbright moved, seconded by Councilman Silvestri, to come out of Executive Session. Upon roll call, motion carried (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Silvestri-yes and Ulbright-yes).

X. MISCELLANEOUS

Councilman Ulbright reiterated the uniqueness and special quality having a Moral Claims Board adds to the City of Wooster. Councilman Sanders noted there will be a Public Utilities Committee meeting prior to the next council meeting at 6:30pm.

XI. ADJOURNMENT

Councilman Ulbright moved, seconded by Councilman Silvestri, to adjourn. Motion carried and meeting so adjourned.

Michael G. Buytendyk
President of Council

Tony Ramos
Clerk of Council