

CITY COUNCIL MINUTES  
February 5, 2007

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

Mr. Silvestri moved, seconded by Mr. Griffin to approve the minutes of the January 16, 2007 meeting as received. Motion carried.

The following people spoke to city council during public input re: Knights Field spraypark: Rick Martinez, 1274 Kieffer St.; Judy Harland, 434 Spink St.; re: general issues: Greg Gehris, 300 N. Grant.

The Clerk read a notice to the legislative authority for a new C-1 permit (beer only) for Stop N Go of Medina, dba Stop N Go, 825 Dover Road. Mr. Breneman moved, seconded by Mr. Griffin, not to request a hearing. Motion carried.

Ordinance No. 2007-3 authorizing the Mayor to enter into an agreement with CCCM Realty, LLC for Community Reinvestment Area Tax Incentives, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was another CRA application; we've had great success with this program in our downtown area. This was to re-condition a building for offices requesting an abatement of real estate taxes of 100% for a period not to exceed 12 years. This is the property on the southwest corner of W. Liberty and Columbus Avenue that has been vacant for nearly six years (formerly a Convenient Food Mart). They plan a capital investment of \$600,000 and this has been approved by the Wooster Growth Corporation and Wooster School Board. Mr. Breneman moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-4 amending the Enterprise Zone Policy re-adopted in Ordinance No. 1999-9 was read by title, being on first reading. Mr. Ansel stated that in an effort to improve upon the existing E-Z guidelines that have been governing our city's enterprise zone and abatements, the Laws and Ordinances Committee has spent several months and numerous meetings compiling input from the public as well as professional organizations to revise or amend our existing guidelines. Mr. Ansel stated that this would remain on first reading. Mr. Ansel reviewed some of the amendments being proposed.

Resolution No. 2007-16 authorizing the Director of administration to enter into a professional or technical services contract with Wooster Summer Baseball, Inc. for officiating services, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that this was more or less a housekeeping item that we do on a yearly basis; Wooster Summer Baseball provides to the city the officiating for basketball games and volleyball games. According to Mr. Malta, we spent about \$33,000 on this contract last year and this cost is a lot less than if we had to provide this service. Ms. Cavin moved, seconded by Mr. Topovski, to suspend the rules and

place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-17 authorizing the Director of Administration to enter into a professional or technical services contract with Wooster Soccer Association for soccer-related activities services, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that this was another housekeeping type issue for parks and recreation. Last year, this contract was about \$35,000; they manage all our soccer programs with officials and maintenance of the fields. It's a good deal for the city. Mr. Breneman abstained from voting on this issue as he was on the board of WSA. Ms. Cavin moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Ms. Cavin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-18 authorizing the Mayor to issue payment to the Wayne Development Council for economic development services was read by title, being on first reading. Mr. Breneman stated that the Wayne Economic Development Council has provided many years of good service to our community acting as the economic development arm for the City of Wooster along with other communities throughout Wayne County. This year, they will act in that capacity if we approve this legislation in the amount of \$30,000 which is an increase of \$10,000 from last year. Mr. Breneman wholeheartedly endorsed this group; they have done wonderful things for our community and look forward to their continued success. Mr. Topovski stated that he agreed that they were doing such a great job and wanted to amend the resolution to increase the amount to \$40,000. Their costs were up and we need them to continue the good job they were doing for economic development in Wooster. Ms. Mitten stated that she agreed with Mr. Topovski – Wayne Economic Development has generated 575 new jobs for our community and that's what it's all about. They've done a great job; they need more money so they can bring more businesses to Wooster; this was very astute of Council to raise the funds so they can continue to provide this service. Mr. Topovski moved, seconded by Ms. Cavin, to increase the amount in Section 2 of the resolution from \$30,000 to \$40,000 and to appropriate the funds from the unappropriated balance in the General Fund. A short discussion followed. Upon roll call, motion to amend carried unanimously. Mr. Breneman moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Ms. Cavin, to approve the resolution as amended. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-19 authorizing the Director of Administration to advertise according to law and enter into a contract(s) with the lowest and best bidder(s) for furnishing bituminous material and concrete, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated this was first of the season housekeeping to provide asphalt for our paving projects during the summer paving season. Mr. Topovski had provided everyone with a copy of the 2007 paving schedule provided by Mr. Newman. He had already received comments about adding some other streets to the list and that can be discussed with Mr. Newman and Mr. Montgomery. A short discussion followed and Mr. Topovski moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-20 authorizing the Director of Administration to purchase vehicles in accordance with the capital plan for 2007, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this would fund the purchase of two pieces of equipment – a new full size pick-up truck to replace one that is used by the concrete crew to carry tools for concrete repair and it wouldn't be traded in but would be used by seasonal help and back-up. This truck was 10 years old and because of continued repairs and maintenance, he didn't feel it was cost-effective to keep putting money into it. The other item was a loader high-lift; the current loader has experienced a lot of electrical and transmission problems and it wasn't prudent to keep putting money into it. This piece of equipment was used for loading sand, gravel and salt. They will be using the state purchasing program for these purchases. 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. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-21 authorizing the Director of Administration to contract with Acres of Fun for the rental of facilities for the recreation division's indoor soccer program, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that this was pretty straight-forward; we wish to contract with Acres of Fun again this year for the indoor soccer program at a cost of not exceed \$24,000. Ms. Cavin moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-22 authorizing the Director of Administration to contract for the provision of transportation services for qualified participants, an declaring an emergency was read by title, being on first reading. Ms. Cavin stated that these funds were allocated to subsidize the taxi program. Ms. Cavin explained that each person that qualifies for this program pays \$2.00 (that goes to the City) for a pass for a one-way ride and the City then pays the taxi company \$3.00 for the transport. In 2006, this program provided 36,544 transports for those people who qualified for the program. There were currently two cab companies here to provide this service. Mr. Ulbright stated that it had been brought to his attention this afternoon that some of the people who use this service have young children/babies and they were concerned that the taxis were exempt from having to use child car seats. This might be something the City wishes to investigate as it could possibly create a liability issue if a child who was required to use a car seat was injured while riding in a cab. Ms. Mitten asked Mr. Benson to look into this and report back to council on his findings. A short discussion followed and Ms. Cavin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Ms. Cavin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-23 authorizing the Director of Administration to enter into a contract with Clear Picture, Inc. for specialized technology, to wit: the provision of fiber and cable connections for city facilities, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that the City owns its own fiber network to the majority of our outlying buildings where our computer systems communicate with each other across our lines. There

were three areas of the city where we do not have these fibers running to, Freedlander Chalet/Pool area, the Parks building on Long Rd., and the north end fire station on Highland Avenue. The administration has looked into the cost for running fiber to these facilities so that computer access is available to all the city divisions and we also looked at what Clear Picture had to offer. They have cable and fiber lines already in place to all those facilities and it's more cost effective to utilize a service contract with Clear Picture to use their lines for this service. Discussion followed and Mr. Breneman decided to leave this on first reading.

Resolution No. 2007-24 authorizing the Director of Finance to issue payment to Wayne County for property taxes withheld during the pendency of a tax appeal, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that is the result of a question we raised about our parking lots downtown. We are in a position where we had to pay real estate taxes on those parking lots and the administration questioned the Ohio Department of Taxation whether we actually had to pay taxes on a parking lot. They came back to us and said that if the lot is not subject to a parking permit fee, no taxes were required to be paid; however, if we are collecting a parking permit fee on the lot, it is taxable. Now, that we have the answer, we must pay taxes on those lots where we do collect fees so that's what the legislation entails. Ms. Cavin asked whether the tax we had to pay was more than what we were taking in in permit fees? Mr. Sigg stated that this amount was not an annual fee; it was back taxes from 2002 as well as the current year. Mr. Dordea stated that we probably collect about \$50,000 a year and the annual property tax was about \$7400. Mr. Breneman moved, seconded by Mr. Ansel, 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. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-25 authorizing the Director of Finance to issue payment to Dominion East Ohio for damages related to an interruption in service, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was in reference to an accident that occurred on June 27, 2006 when our utilities crews were excavating along Route 585 in the vicinity of Long Road and hit a gas line. Dominion had been out to mark where their lines were; however, one of our operators accidentally put the tooth of a backhoe bucket into a natural gas line and ruptured it. Luckily there were no explosions or hazard; the worse result being that 390 customers were out of gas for a while. Once the line was repaired, one of their technicians had to go around and relight pilot lights, etc. This is the proposed settlement from Dominion East Ohio for damages in the amount of \$22,825 appropriated from the water fund. Mr. Breneman felt this was a very reasonable request because if we had cut a fiber optic phone line, they charge \$50,000 a minute until it's repaired! Mr. Breneman moved, seconded by Mr. Silvestri, 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. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-26 authorizing the Director of Administration to execute an agreement with the Ohio Department of Development for the administration of a revolving loan fund, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was in reference to the CHIP program that we've had in place for about five years where we apply for federal loans through the Ohio Dept. of Development and community development

block grants used for rehab and housing for low/middle income households. 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. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-27 authorizing the Director of Administration to enter into a contract with Architectural Resources Corporation of Dayton, Ohio for a facilities study for the fire division, and declaring an emergency was read by title, being on first reading. Mr. Silvestri reviewed the information provided on the back of the resolution stating that both of our fire stations were built in 1962 and at that time, the stations held 17 personnel and 7 pieces of apparatus, responded to 249 calls over an area of 7.7 square miles. Today, those same two stations together hold 43 personnel, 10 pieces of apparatus and respond to over 3,900 calls in a 16 square mile area. That's 2 ½ times the personnel, more than double the area, and 15 times the annual calls, the majority of those calls being EMS (offered since 1975). Because of the EMS calls, because of the need to upgrade and be compliant with certain OSHA requirements, communicable disease requirements, blood borne pathogen requirements and also space constraints dictate this request for a facilities study. A short discussion followed and Mr. Silvestri moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-28 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, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that we have many vehicles in our city fleet and they need fuel to run; this was included in the 2007 budget. We do not maintain our own fueling facilities; we did at one point but when the new laws came into effect regarding underground storage tanks, it was determined that it was more economical for the city to utilize a provider for fuel. Mr. Dordea had provided us with a memo showing the fuel expenditures over the last three years; these numbers don't reflect a huge increase in additional driving miles but they reflect the rising cost of petroleum. Mr. Breneman moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-29 authorizing the Director of Administration to purchase a sprayground for Knights Field Park, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that as everyone on council knows, she had been very opposed to closing this pool because it serves this neighborhood and this area of town very well; the YMCA runs a program there in the summer for the children in that area and it was a very popular program. However, the administration was proposing that we close this pool and install a sprayground and the only opposition she would have to that would be sentimental as she spent a lot of her childhood summers at that pool. Since there will be something here that will be very positive for the park and will serve the children, she was very much in favor of changing this to a sprayground for the reasons that 1) we will save approximately \$25,000 per summer for staff and 2) it will pay for itself very quickly and 3) we will be able to keep this open seven days a week and from Memorial through Labor Day which was very extended hours and it may be available for

birthday parties, etc. She felt this was a good compromise and has the support of the neighborhood groups. Mr. Ulbright stated that he strongly supported this change; he felt it would get a lot more use and would bring people from all over the community and those outside to that facility and will promote neighborhoods intermingling and getting to know each other. Mr. Breneman was happy to see this alternative plan for this pool that we had actually been losing money on over the past few summers. This was a novel idea and he complimented Chuck and his staff for coming up with this idea for something that Wooster doesn't have. Mr. Ansel also commented that this was a very cool concept; he wished to complement Mr. Malta and his staff for very comprehensive and thorough justification analysis. Mr. Silvestri concurred with those comments; it's a fantastic idea and the numbers seem to justify the proposal and it's an awesome idea. Ms. Cavin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-30 authorizing the Director of Administration to enter into a technical services contract with SunGard BiTech, LLC of Chico, CA for application service provider ("ASP") services, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that it was his intent to leave this on first reading so council will have the opportunity to ask questions and get the answers prior to voting on this issue. Mr. Breneman stating that IFAS was our accounting financial software that the city's financial system was run upon. It's a good system and has been in place a number of years but it has some drawbacks. It can only run on a UNEX platform which was a special type computer or an Oracle platform. We currently have a used UNEX system which is currently running the city's finances. We back that system up all the time, but there's really no logical way to check the backups to make sure they are backing up all the data. The idea was to utilize SunGard to run our IFAS system via the internet which means that our records would essentially be kept in California but they would be backed up also in California and we wouldn't need the system we currently have on-site. Ms. Mitten stated that she had been told by the administration that a representative from SunGard would come and talk to council at our next meeting to explain this system if council felt that was necessary. Some discussion followed and council members were concerned about our records being stored so far away in California. Ms. Mitten stated that council should let the administration know ASAP whether they wish for a representative from SunGard to come to the next meeting.

#### Miscellaneous

Mr. Dordea asked that council let him know tonight if they wanted SunGard to come here; they will need to make travel arrangements ASAP.

Mr. Ulbright stated that regarding having a street light at the corner of Milltown and Oak Hill (which was currently outside the city limits), he had contacted Mr. Montgomery who put him in touch with Craig Cahoe of AEP. Mr. Cahoe had indicated that AEP was willing to do this on the southeast corner of the intersection and it would be our place to assume this financial responsibility as a monthly fee to our electric bill and he gave us a choice for a regular street light (9000 lumen high pressure sodium vapor) or a larger light in terms of its illumination (22000 lumen). The price difference was \$13.33 for the 900 and \$16.66 per month for the

22000. He was hoping that administration would be amenable to this arrangement. Mr. Sigg said he thought this might require a resolution for council to extend services outside the city limits. Mr. Ulbright asked that this be done.

Mr. Breneman felt council was wise in increasing the amount given to Wayne Economic Development Council; however, he did caution council that the legislation that comes before us have a lot of thought that goes into them before they come to us. Anything that dealt with increasing costs makes a change to the city budget and if we keep doing this, it will have a snowball effect and might get us into problems with the budget. It's a nice vote of confidence in this organization; they are deserving of the additional amount and was a great message for us to send forward regarding economic development. Mr. Breneman stated that regarding the taxi service, people might not remember that we did have a bus service in the past and the taxis have taken the place of that bus service which was a huge benefit. He felt the cab service was working out very well and appreciated the administration and recreation division's efforts in maintaining this service to the city.

Mr. Silvestri stated that he was happy to see the new criteria for the ez application policy; he felt we were setting precedent here not only as a city but state-wide for making some serious efforts to expedite this process in terms of our enterprise zone. It's great to see all this renovation going on in the downtown buildings through he CRA and he had heard many favorable comments about this program.

Mr. Topovski asked council to email him on additional streets that they felt needed paving this summer or a substitution of any of the streets on the list provided by Mr. Newman. In relation to the taxi service and the lack of child restraints, we are subsidizing this service and he did have a concern for child safety. He didn't see why we couldn't mandate that the cab companies carry a child seat in their trunks as we do subsidize this program.

Ms. Cavin moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:45 p.m.

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Judith Mitten  
President of Council

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Sheila Stanley  
Clerk of Council