

CITY COUNCIL MINUTES
July 2, 2007

I. ROLL CALL & ORDERING OF AGENDA

President Pro Tem Bob Breneman 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, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

Mr. Topovski moved to re-order the agenda by taking up consideration of Resolution 2007-62 immediately after Resolution 2007-59 and before the consideration of Ordinance 2007-32. He stated the recommendations of the Equalization Board needed approved before the Streetscape improvements could be considered, therefore necessitating a change in the agenda. Mr. Ulbright seconded the motion and all approved by voice vote.

II. APPROVAL OF MINUTES

Ms. Cavin had a correction to the minutes, under Petitions/Communications from Public, to remove the name of Craig Sanders as he declined to speak that evening. With that correction, Mr. Ansel moved, seconded by Mr. Silvestri to approve the minutes of the June 18, 2007 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten reported on various department/divisions and local activities.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The clerk indicated the National Pollutant Discharge Elimination System (NPDES) permit was received from Ohio EPA and is being reviewed.

The following people spoke to city council regarding the closing of Gasche Street: Mr. Thomas (365 Palmer), G. Maynard (664 Callowhill), Rita Stallings (1519 Gasche) and Brenda Maynard (664 Callowhill).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Topovski reported on the Infrastructure Committee Meeting, which was held July 2, 2007 at 5:30 p.m. in council chambers. They continued to discuss the next sidewalk improvement projects for improved streets in the city. They are going make recommendations and have a resolution of necessity at the next regular council meeting in August.

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2007-30 VACATING A PORTION OF GASCHE STREET, BETWEEN WAYNE AVENUE AND UNIVERSITY STREET. (Topovski)

Mr. Topovski asked to withdraw this ordinance from consideration. Ms. Cavin seconded the motion and all approved by voice vote. Mr. Breneman questioned if the petitioner could bring the petition back to council and Mr. Benson explained that they could.

2. Third Reading - RESOLUTION NO. 2007-59 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2008. (Breneman)

Mr. Breneman stated the Annual Tax Budget comes before council on a yearly basis as it must be filed with the county auditor before July 15th. There was a public hearing on June 18th concerning this. It is a proposed budget and is not in final form. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

3. Second Reading - RESOLUTION 2007-62 APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE BEALL AVENUE STREETScape PROJECT, AS DESCRIBED IN RESOLUTION NO. 2007-43, AND DECLARING AN EMERGENCY.
(Topovski)

Mr. Topovski stated Resolution 2007-54 was passed on May 21, 2007 to hear and determine objections to the estimated special assessments pursuant to Resolution 2007-43 with respect to improving Beall Avenue. The special assessment board, consisting of James Lanham, William Gasbarre and Tim Bahler, met and heard all the submitted objections and made their recommendations. Of the assessments that were reduced, the city will assume the additional portion of those costs. These recommendations need approval before continuing with the Streetscape project. 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. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

4. Second Reading - ORDINANCE NO. 2007-32 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF BEALL AVENUE FROM LIBERTY STREET TO BLOOMINGTON AVENUE BY GRADING, DRAINING, WIDENING, PAVING, CONSTRUCTING AND REHABILITATING SIDEWALKS, DRIVEWAY APPROACHES, CURBS AND RAMPS, INCLUDING PROVISION OF DECORATIVE STREET AND SIDEWALK DESIGNS AND MATERIALS AND APPURTENANT STREET AND SIDEWALK FURNISHINGS, INSTALLING WALKWAY STYLE LIGHTING FACILITIES AND NECESSARY APPURTENANCES THERETO, INCLUDING THE INSTALLATION OF UNDERGROUND WIRING, RELOCATING OVERHEAD CABLES, WIRES, AND APPURTENANT EQUIPMENT UNDERGROUND, CONSTRUCTING STORM SEWERS, SANITARY SEWERS, WATER MAINS, SERVICE CONNECTIONS AND UTILITY MODIFICATIONS AND INSTALLING AND RELOCATING CATCH BASINS, MANHOLES AND HYDRANTS, AS REQUIRED, CONSTRUCTING RETAINING WALLS, PLANTING SHADE TREES AND PROVIDING RELATED LANDSCAPING, AND INSTALLING STREET AND TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES, ALL IN CERTAIN DESIGNATED LOCATIONS, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
(Topovski)

Mr. Topovski stated it is time to begin Streetscape III as the assessments have been made, right-of-ways have been acquired, fees have been paid, the college has submitted money, the resolution of necessity was passed April 2, 2007 and now the sewer separation must be done. He thanked the various entities that have been involved in extending Streetscape from downtown up to Beall Avenue. Mr. Ulbright wanted to emphasize to the citizens of Wooster that Streetscape was not costing the city any more than if Beall Avenue were to be improved with storm sewer, waterlines, pavement, sidewalks and curbs. Mr. Breneman feels the Streetscape projects, beginning with Liberty Street, helped the city acquire the Best Hometown status and he is looking forward to the next phase to further improve our city. 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.

5. Second Reading - ORDINANCE NO. 2007-33 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman recalled the accident at the intersection of Madison Avenue and Timken Road where maintenance work was being done when a truck struck overhead wires and pulled down the traffic signals. The city filed an insurance claim for damages and received proceeds in the amount of \$75,057.91. The amount of \$61,700 representing the insurance proceeds from the accident need to be appropriated, \$61,000 to the Capital Improvements Fund and \$700 to the General Fund. Mr. Breneman indicated it is essentially a bookkeeping entry to accept insurance money from the insurance company. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

6. Second Reading - RESOLUTION NO. 2007-61 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO INCREASE THE AMOUNT OF A CONTRACT WITH THE CENTER FOR OCCUPATIONAL MEDICINE FOR MEDICAL TESTING AND SCREENING SERVICES, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated the city contracts with the Center for Occupational Medicine for employee medical testing and screening services and that amount is included in the 2007 budget, although that amount is going to be exceeded, requiring approval of council. The cost of the contact will not exceed the amount budgeted in the operating budgets of the various departments/divisions. Mr. Silvestri questioned how many years the city has exceeded \$15,000. Mr. Sigg explained this year's bill will exceed \$15,000 requiring council approval. Last year \$21,200 was spent and approximately that same amount will be needed for this year, maybe a little more as additional retirements have necessitated hiring new employees. The amount will fluctuate depending on the number of new employees, which includes summer employees. Mr. Griffin asked if the city receives a discount from Worker's Compensation for being enrolled in this program with drug alcohol testing, workplace accidents, random screenings and pre-employment physicals. Mr. Sigg indicated that we do receive a good rate. 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. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

7. Second Reading - RESOLUTION NO. 2007-63 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR UTILITY RELOCATION SERVICES RENDERED IN CONNECTION WITH THE BEALL AVENUE STREETScape PROJECT, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski said that in order to accomplish utility relocation for the Streetscape project a number of easements had to be obtained and in some cases utility and communication companies have already expended monies, purchasing equipment for this project and have asked for reimbursement. The other Streetscape legislation has passed and we need to proceed by paying these bills. Mr. Topovski moved, seconded by Mr. Ansel, 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.

8. Second Reading - RESOLUTION NO. 2007-64 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LARWILL STREET BRIDGE REPLACEMENT PROJECT. (Topovski)

Mr. Topovski indicated this resolution will allow the city to be classified as a LPA, local public authority, in overseeing the Larwill Bridge Street replacement. ODOT will therefore not have to provide a supervisor, which will save the city money doing this in-house. He reminded everyone that 80% of the project cost is being funded by ODOT with the city paying 20%. 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.

9. Second Reading - RESOLUTION NO. 2007-65 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS. (Breneman)

Mr. Breneman stated this resolution concerns the existing Enterprise Zone agreements in place within the city which are reviewed by the Tax Incentive Review Council (TIRC), made up of county and city representatives. A recent amendment to the state enterprise zone law states that upon receipt of written recommendations from TIRC, city council must vote to accept, reject or modify all or any part of the TIRC's recommendations as to the existing EZ agreements. A letter was received from TIRC dated May 23, 2007, recommending the continuation of all five EZ agreements: Akron Brass, The Gerstenslager Co., Tekfor USA, Frito-Lay and LuK USA. Ms. Cavin and Mr. Ulbright thanked Mayor Mitten for providing the TIRC minutes, which had been requested at the last meeting. Mr. Topovski explained these EZ agreements were those passed through the county before the city formed their own committee to review EZ applications. Mr. Breneman moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-34 AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman stated the Mayor has recommended the appropriation of funds to provide for the expenses of planning and executing the city's upcoming bicentennial celebration. The amount being requested from the unappropriated general fund money is \$60,000 out of the Special Events cost center. Mayor Mitten explained the proposed funding of expenses for the Bicentennial celebration. 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. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

2. First Reading - ORDINANCE NO. 2007-35 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BOSCH REXROTH CORPORATION AND CHESTERLAND PRODUCTIONS, PLL FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Ansel recused himself from this issue. Mr. Breneman stated Bosch Rexroth has been doing business in Wooster for many years, but in recent years lost employees due to downsizing. Their engineering and research & development departments are still in operation, approximately 52 employees, but possibly could relocate as their company has existing operations in two other states. Mr. Breneman feels we need to do whatever we can to keep this business and their well paying jobs in Wooster. Rexroth requested a 75% tax abatement for 10 years on a \$1.7 million newly constructed 20,500 s.f. facility on Enterprise Parkway. A provision of the EZ agreement is the enterprise will remain in Wooster for an additional year for each year the taxes are abated, therefore guaranteeing they will remain in Wooster at least 20 years with 52 employees. If that does not happen the city has the ability to claw back any abated taxes. There are severe penalties if they would not follow the conditions of the agreement. Both Wooster Growth Corporation and Wooster City School Board reviewed and approved the abatement request. Ms. Cavin summarized questions and answers she received regarding the abatement: Wooster Growth Corporation,

not city council, is making a financial commitment to the last two years of a seven year lease agreement; Wooster Growth cannot offer Rexroth another 5 year abatement at the end of the first 5 year abatement; the city will not be liable for environmental issues at Rexroth's old site and Mr. Benson is still researching whether the city could assume certain obligations of a private enterprise in the context of an enterprise zone agreement. Ms. Cavin stated she is not 100% comfortable with the \$300,000 but feels these are good jobs with good benefits, that Rexroth is a good company with minimum impact environmentally, it will increase income taxes and there are significant penalties to the company if they do not fulfill their obligations. Mr. Topovski indicated the primary concern is not just job formation, but job retention and he is pleased to support this legislation and retain 52 good jobs. Mr. Ulbright asked Mr. Benson if it would be prudent to leave this on first reading until the next meeting so he could resolve Ms. Cavin's last question before they vote on the agreement. Mr. Benson did not feel that was a concern as it would not prevent the city from putting together an agreement that concurs with other legal requirements. Jerry Baker, the developer, indicated that the environmental issue has nothing to do with their part of the abatement agreement. Mr. Silvestri stated he is in favor of keeping these jobs in Wooster, but was still unsure why only a 5 year lease agreement and if it would be a reoccurring lease. Mr. Dordea explained the 5 year lease stipulation is due to German taxation laws. Mr. Sigg indicated the developer requested a 7 year lease and Rexroth wants to show it as a 5 year lease and Wooster Growth is guaranteeing the last 2 years of the lease. Ms. Cavin asked if its an option in 2 years to renew a 5 year lease and Mr. Sigg indicated that is being looked into. Mr. Topovski questioned if Wooster Growth had funds available and Mr. Dordea confirmed they do. Mr. Breneman stated Rexroth has fulfilled all obligations in regard to the EZ application and would like to move forward on the construction of their new facility. Mr. Breneman moved, seconded by Mr. Topovski, 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, with Mr. Ansel being recused.

3. First Reading - **ORDINANCE NO. 2007-36 REPEALING TITLE NINE, BILLBOARDS AND SIGNS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO. (Ansel)**

Mr. Ansel stated this is a house keeping issue as currently there are two billboard and sign ordinances on the books governing the city. The Laws and Ordinance Committee worked diligently in revising the zoning and planning ordinances but there is still this lingering ordinance governing billboards and signs. The new law supersedes the old law and that is the purpose of this legislation. It is in the city's best interest to get this law eliminated as soon as possible. Mr. Ansel moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - **ORDINANCE NO. 2007-37 AUTHORIZING ANNEXATION OF MUNICIPALLY-OWNED PROPERTY CONTIGUOUS TO THE EXISTING CORPORATION LIMITS, PURSUANT TO OHIO REVISED CODE SECTION 709.14, AND AUTHORIZING THE DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT IT, AND DECLARING AN EMERGENCY. (Ulbright)**

Referring to the map provided, Mr. Ulbright explained the location of the property. There was a question as to whether the retention pond, included in the boundaries on the map, was to be part of the annexation. Mr. Benson indicated the hospital will provide a more specific map at the next meeting. Mayor Mitten, who serves as Chairman to the Hospital Board of Governors, indicated the hospital purchased this land from Dr. Johns in February of 2005. The Board of Governors would like to make the Friendsville Road area a wellness corridor, with the medical offices and HealthPoint already being located there. Mr. Benson explained that the expedited annexation process would apply in this situation as 100% of the land being petitioned for annexation is owned by a political subdivision. The annexation will take effect no more than 30 days from the date the petition is filed with the county commissioners. This Ordinance remained on first reading.

5. First Reading - **ORDINANCE NO. 2007-38 AUTHORIZING THE MAYOR TO EXECUTE A CONSERVATION EASEMENT AGREEMENT WITH THE KILLBUCK**

WATERSHED LAND TRUST FOR THE PROTECTION AND PRESERVATION OF
WOOSTER MEMORIAL PARK. (Ulbright)

Mr. Ulbright introduced the legislation and referred to the attached map as reference. This agreement is a cooperative venture on the part of Friends of Wooster Memorial Park and the Killbuck Watershed Land Trust. It will give the city the opportunity to enlarge Wooster Memorial Park and at the same time enter into an agreement with the Killbuck Watershed Land Trust to preserve and protect the park from encroachment, development, extraction of timber and minerals according to the trust. Ron Holtman, President of the Killbuck Watershed Land Trust, spoke on their behalf. He indicated that over the last couple of years Killbuck Watershed Land Trust, Friends of Wooster Memorial Park and the Ohio Dept. of Public Works have worked to obtain money through the Clean Ohio Fund and using that money acquired two tracts of land, 64.6 acre parcel from the Strock family and 6.2 acre parcel from the Monitor Bank, who both made substantial contributions towards the purchases of the property. The land trust now owns those properties which were specifically acquired for the purposes of offering them to the city to enlarge and improve the park. In return they are simply asking for authorization from the Mayor to enter into a conservation easement which would protect the entire facility. When completed the park will be the single largest publicly owned forest in Wayne County and one of the largest in the state. It straddles two streams that lead into the city's water supply, is a terrific habitat for public enjoyment, offers protection of a variety of species for education and greatly enhances the existing trails. Cathy Herms, on behalf of Friends of Wooster Memorial Park, spoke on their behalf and the great opportunity she felt this is. Daryl Decker, manager of the Wooster Park Division, indicated there has been much effort and work that has went into this venture and he highly supports it. The Ohio Dept of Natural Resources placed Wooster Memorial Park as one of the top ten pieces of bio diverse properties in the state of Ohio and Mr. Decker feels it deserves the protection of a permanent easement that would restrict development in that area. Mr. Ulbright called attention to the terms of the agreement listed in the ordinance. Mr. Breneman requested that the ordinance be left on first reading as there were a couple points of concern to him, i.e. the word perpetuity, which means forever and also to better understand the terms of the trust. Mr. Ulbright asked Mr. Decker if he could foresee any additional costs to the city in taking on the 70+ acres. Other than occasional trail cleaning and sign work, Mr. Decker felt it would be a very minimal cost since the maintenance of that area is preserving it in its current state. Mr. Holtman indicated that the grant secured funds for signage also. He also added that the word "trust" in the agreement is short for the Killbuck Watershed Land Trust. The idea being that when an organization wants to preserve something an organization has to hold those rights and that is the purpose of the Killbuck Watershed Land Trust, to be the holder of the easement which would ensure years from now that the city would still abide by the terms. This resolution remained on first reading.

6. First Reading - ORDINANCE NO. 2007-39 AMENDING CHAPTER 1301, RESIDENTIAL BUILDING CODE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO ADOPT REGULATIONS PERTAINING TO SWIMMING POOLS, SPAS AND HOT TUBS. (Ansel)

Mr. Ansel stated an administrative oversight has resulted in our city not having a code for swimming pools, hot tubs and spas. Guidelines in the recently adopted codified ordinances are state mandated by the International Residential Code and have been adopted as part of our local guidelines. This spring, when the updates were received, Appendix G, which highlights the revisions within the state regulations for swimming pools, hot tubs and spas, was not incorporated. Therefore, the updated appendix needs to be added to the existing ordinance to reflect the state mandated codes, as currently we do not have any. In that it is summer and the codes need to be enforced, Mr. Ansel requested to move the ordinance to third and final reading. Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

7. First Reading - ORDINANCE NO. 2007-40 AUTHORIZING A CONTRACT WITH THE BOARD OF WAYNE COUNTY COMMISSIONERS FOR ADMINISTRATION AND ENFORCEMENT OF THE OHIO MANUFACTURED HOMES INSTALLATION

STANDARDS BY THE WAYNE COUNTY BUILDING DEPARTMENT AND
AUTHORIZING AN APPLICATION TO THE OHIO MANUFACTURED HOMES
COMMISSION FOR THE CERTIFICATION OF THE BUILDING DEPARTMENT
THROUGH A CERTIFIED BUILDING DEPARTMENT. (Ansel)

Mr. Ansel explained the state has changed the way it controls manufactured home installations and review. They have formed a new commission called the Ohio Manufactured Home Commission (OMHC) from which a state certified inspector must perform a review process on all newly installed manufactured homes to ensure state standards are met and they are properly installed. Currently the city does not have a certified manufactured home inspection auditor, but the county does. The county performs a lot of inspections countywide to insure compliance of the code and their inspectors are skilled, trained and certified. The county's chief building official, Tim McClintock, has volunteered the services of his department to the city at no charge due to the low volume of new manufactured home installations within the city. There is a state regulated inspection fee assessed to the homeowner and the county will collect that fee. Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

8. First Reading - RESOLUTION NO. 2007-66 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A WATER STORAGE TANK SERVING THE INTERMEDIATE ZONE, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated this resolution allows the city to go to bid for the \$1 million gallon water tank for the intermediate zone to be constructed near Oldman Road on the piece of property the city acquired. The estimated cost is \$2.4 million and the city needs to begin the bidding process in order to begin construction in early fall. Once this water tank is operational, the smaller water tower on Highland Ave. will be decommissioned. Mr. Silvestri asked if the small water tower on Highland was going to be decommissioned and totally dismantled and Mr. Griffin confirmed it was. 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

9. First Reading - RESOLUTION NO. 2007-67 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF THE MECHANICSBURG ROAD AND BUCKEYE STREET BOOSTER PUMP STATIONS, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated this is the reconstruction/renovation of the Mechanicsburg and Buckeye booster pump stations. It is a budgeted amount from the Water Fund with a total estimated cost of \$1.35 million. The two stations have outlived themselves, experiencing suction and maintenance problems with old equipment. This project needs to keep moving so bids can be obtained and construction can begin. 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.

10. First Reading - RESOLUTION NO. 2007-68 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A NEW STORM SEWER SERVING THE COLLEGE AVENUE AREA AND REPAIRS TO THE EXISTING SANITARY SEWER SERVING THAT AREA, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated this project is budgeted as part of the 10 year comprehensive plan. The new storm sewer will serve the College Avenue area from North Street to Bowman Street, with 25,000 ft. of new storm sewer, 15,000 ft. of sanitary sewer replacement, 1,000 ft. of sanitary line and separation of storm sewer connections into the sanitary sewer. Approximately 60% of the funds come from the Storm Sewer Fund and the remaining 40% from the Sewer Fund. This project is in compliance with EPA mandates and is good business in terms of the separation of the lines and the combined sewer overflows. Mr. Ulbright commented on this project and the previous two resolutions in that the city is spending a sizable amount of money on various infrastructure within the city but feels it shows an ongoing commitment on the city's part to take care of basic essential services provided to the citizens. He commended Joel Montgomery on the very detailed information given to council. Mr. Topovski questioned if the traffic detours for this project would interfere with the Beall Avenue Streetscape project and Mr. Montgomery did not feel it would. Mr. Griffin moved, seconded by Mr. Topovski, 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.

11. First Reading - RESOLUTION NO. 2007-69 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE INSTALLATION OF DETECTOR LOOPS WITHIN THE CITY, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated we are in the season now where we see our streets being planed off to be resurfaced with new asphalt. As the streets are planed off it tears out existing traffic flow lines and it is necessary to reinstall those loops at intersections in order to properly maintain traffic. 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

12. First Reading - RESOLUTION NO. 2007-70 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, AND, UPON APPROVAL, TO ACCEPT A BLOCK GRANT THEREFROM, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated these are Community Development Block Grants which come before council on a yearly basis and bring state funding to the community for good works. The CDBG monies need to be applied for again in the amount of \$97,000. There were two public hearings held on how to utilize these funds on June 4 and June 15, 2007. The application for these funds must be submitted by July 13, 2007 so it is imperative that this resolution be moved forward. The two projects listed for the proposed CDBG monies are sidewalk and street improvements surrounding the new library and assistance to the Viola Startzman Free Clinic to defray the expense of health care to indigent patients. Mr. Ulbright asked how the money was to be divided between the two projects. Mr. Sigg indicated direct services are limited to 15% of the grant and therefore 15% of the money is proposed for the free clinic and the remainder to the sidewalk and street improvements. Ms. Cavin asked if the last CDBG money was to be spent for Bever Street in order free up money for the library project instead of using CDBG money. Mr. Sigg indicated it had and that the sidewalk street project is still assembling the money and have gotten a commitment from the Ohio Cultural Affairs for approximately \$175,000. Total project is approximately \$400,000 for street improvements and sidewalks in a four block area to make it safer for pedestrians, especially with the cross programming between the art center and the library, to keep traffic slowed down without actually having to close South Street. This funding will not get this project the full amount needed and the administration have submitted other grants and are working with them. Ms. Cavin wanted to know if these were the only two applications received. Mr. Sigg indicated the parks and recreation department had submitted an application for Kiddie City but they are looking into other funding for that. Ms. Cavin also questioned if some of the money was requested for fair housing. Mr. Sigg said there is a fair housing component that is required for a few \$1000, but it was not noted as it is a required program. 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 adopt. Upon roll call, motion to adopt carried unanimously.

VIII. MISCELLANEOUS

Several members of the audience spoke about the Gasche Street closing. Greg Gehris, 347 N. Grant (Rexroth property – Mr. Ansel’s recusal).

Mr. Ansel responded to Mr. Gerhris’ question as to why he recused himself from the Rexroth discussion. He indicated he has an ongoing business relationship with Bosch Rexroth as they are a customer of his company and he therefore had a broad understanding of the project. Because of this he did not want any potential conflict of interest. Additionally his company also does business with Jerry Baker’s company, D&S Distribution and again did not want any of his decision making misconstrued by the public and withdrew himself from the voting process. Mr. Ansel also wanted to compliment council and city administration on their work in creating criteria for the EZ applications which expedite the process because in the past the process has been very cumbersome and difficult.

Mr. Ulbright has seen signs for special business occasions cropping up on the busier intersections in the northend. The signs are in the public right-of-way and beyond. He spoke with a couple businesses who indicated they were not aware of the law. Mr. Ulbright wanted to know if the city could send a letter to the business owners regarding this. He is aware that Mark Nussbaum has been diligently removing signs in the public right-of-way.

Mr. Silvestri stated there has been a lot of debris from recent storms in particular Melrose Ext. area, which he understands is a private street and for that reason there was no pickup on that street as with other private streets. He asked that an exception be made to have a city crew pick up the debris. Ms. Mitten indicated this is not a new policy and those who live on private streets contract with private contractors for such work. Mr. Silvestri questioned if the police department can ticket an illegally parked car in a handicapped space if someone notifies them. Mr. Glick said a citation can be issued whether the police officer sees the illegally parked car or is notified of it.

Mr. Griffin would like to see something done with vacant properties where grass and weeds are overgrown, particularly a property on Nupp Drive that has been condemned.

Mr. Topovski thanked all the citizens who showed up regarding the Gasche Street closing and encouraged them to express their concerns if the issue should ever come back up again.

Ms. Cavin too thanked the citizens from the Gasche Street area for their involvement and also the college for their consideration of this issue.

Mr. Breneman reminded council of the special meeting on Monday, July 9, 2007 at 5:30 p.m. He also complimented council on the Bosch Rexroth agreement as he feels retaining business in our city sends an excellent message.

IX. ADJOURNMENT

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

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council