

CITY COUNCIL MINUTES
September 4, 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. Breneman asked for a moment of silence in remembrance of Stan Welty who passed away earlier in the day.

II. APPROVAL OF MINUTES

Mr. Ansel moved, seconded by Mr. Griffin to approve the minutes of the August 20, 2007 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten updated council on various activities in the city. She also read a letter from Keith Chambers of Clear Picture Inc., offering to donate \$1,200 towards the portable stage.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A notice was received from the Ohio Division of Liquor Control, for the transfer of a C1 & C2 liquor permit from Workman Brothers Food to CR Meats, both doing business as Bobs Wooster Food Market, 817 E. Bowman Street. Mr. Griffin moved, seconded by Mr. Topovski, not to request a hearing and all were in favor.

The following members of the audience spoke: Clarice Massaro, 646 E. Bowman St. (Milltown re-zoning and portable stage) and Greg Gehris, 347 N. Grant (mosquito problem, vacant business space, general comments).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Ms. Cavin reported on the Public Health and Leisure Committee meeting, held on August 27, 2007, to discuss the purchase of the portable stage. Issues that were discussed included safety issues for a replacement stage, sponsorship, usage and Parks & Recreation's master plan to promote their department. She stated that after much discussion and feedback, the committee voted unanimously to recommend that council purchase the portable stage.

Mr. Ansel stated that the Laws and Ordinances Committee will hold a committee meeting on Monday, September 17, 2007, at 5:30 p.m., prior to city council meeting. The primary topic for discussion will be impact fees.

Mr. Breneman indicated he would like to call a Finance Committee meeting to discuss the 2006 CAFR. He suggested possible dates.

VI. OLD BUSINESS

1. Third Reading - RESOLUTION NO. 2007-72 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE A PORTABLE STAGE FOR THE RECREATION DIVISION, AND DECLARING AN EMERGENCY. (Cavin)

Ms. Cavin moved, seconded by Mr. Ulbright, to adopt the resolution. Ms. Cavin explained that due to future expansion plans, Wooster Community Hospital purchased the Don Bell Park from the City of Wooster for \$85,000 and it has been proposed to use the money to purchase a portable stage to replace the parks and recreation old hay wagon stage(s). Mr. Ulbright noted the city has received the funds to purchase the stage, therefore rental and sponsorship fees from its use could be set aside in a fund for a future replacement stage. Mr. Griffin expressed concerns over whether the city should be in the stage rental business and whether to spend \$86,000 for a stage. He questioned what the rental fees will be and if everyone who uses it will be charged. Mr. Griffin indicated he could not support it. Mr. Silvestri feels the stage will serve a need and encouraged city administration to research stages in order to get the most feasible one. Mr. Ansel feels it is a win/win situation for the hospital and the city and believes a quality, well maintained stage, will have a tremendous return on expense, not investment. Mr. Breneman wrestled with the cost of the stage but ultimately felt it would benefit the city by having a quality portable stage to

utilize for downtown events. He too encouraged city administration to see if a stage could be purchased for a lesser amount. Upon roll call, motion to adopt carried 6-1 with Mr. Griffin opposing.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-49 PROVIDING FOR THE ISSUANCE AND SALE OF \$815,000 BONDS FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, AND THE CITY'S PORTION OF THE COST OF IMPROVING MILLTOWN ROAD AND MELROSE DRIVE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A PEDESTRIAN BRIDGE OVER LITTLE APPLE CREEK, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman indicated all members should have received a copy of the Fiscal Officer's Certificate, which essentially states the useful life of the improvement will be at least 5 years and estimated maximum maturity of the bonds calculated in accordance with the revised code is at least 15 years. Mr. Breneman moved to accept the Fiscal Officer's Certificate, seconded by Mr. Griffin. Upon roll call, motion was carried.

Mr. Breneman stated the Milltown Road improvement from Cleveland Road to Melrose Drive is now finished and the note the city has been using for the last 2 years will mature on September 27, 2007 and therefore we will switch to the use of a bond, in the amount of \$815,000, for the purpose of paying the property owners' portion in anticipation of the collection of the special assessments. Property owners have the option of having their assessment amount placed upon the tax levy and paid over a 15 year period. 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.

2. First Reading - ORDINANCE NO. 2007-50 AMENDING TITLE SEVEN, PARKING, OF THE TRAFFIC CODE THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO RELATIVE TO RESIDENTIAL PARKING DISTRICTS. (Ansel)

Mr. Ansel stated this ordinance is to amend the residential parking district's permit program, where permits are issued to residents of the residential parking district around the college area for parking. Permits will now be required to be displayed on rearview mirrors as there have been circumstances where tickets were issued due to the permits not being properly visible. There is no annual fee for the permit which will be issued and enforced by the police department and it will be the responsibility of the resident to register any changes at the police department. If the permit is lost, there will be a \$5.00 charge for it to be re-issued. Other than adding the failure to display and re-issuance fee wording, the rest of the ordinance remains the same. Discussion followed. 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.

3. First Reading - ORDINANCE NO. 2007-51 AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman stated the Water Pollution Control Plant has undergone many upgrades and one of those planned upgrades was to be an HVAC system as the current boiler system is no longer functioning. The 2006 estimate did not figure in the additional units needed in order to cool the concrete structure by way of supplying HVAC to different zones, plus costs have increased since then, so the cost to upgrade the HVAC is \$32,500 more than

originally figured which will be appropriated to the Water Pollution Control Fund from the unappropriated balance of Plant Operations. Mr. Borton explained the project and indicated it has not yet gone out for bid, but they wanted to make sure the funds were appropriated to cover the additional expense. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - RESOLUTION NO. 2007-74 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A VALVE TURNING AND MAINTENANCE SYSTEM, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin explained that this is a planned capital expense for 2007. The amount budgeted for this project in the Water Fund is approximately \$50,000 and the equipment may be available through the State Cooperative Program. This is a new mechanical hydraulic manner of testing and maintaining the valve systems throughout the city, presently being manually done by the staff who gather and transfer the data, which must be submitted to EPA. This mechanical device will automatically collect the data so it will not need to be transferred from paper into the computer and transferred into a monthly report. All the valves are routinely tested throughout the city to minimize the effects of water main breaks and this new technology will calculate it automatically. There were various questions asked and Tom Layland of the Utilities Division explained the process and how this new machinery will help the process. Mr. Griffin moved, seconded by Mr. Ansel, 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.

5. First Reading - RESOLUTION NO. 2007-75 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF COLOR SEWER INSPECTION EQUIPMENT, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin explained that this project too was a planned expenditure in the Water Pollution Control Fund and is available under budget through the State Cooperative Program. The push color mini crawler sewer inspection equipment allows the inspection of 4" and 6" sewer lines, both sanitary and storm. The current black and white unit is 20 years old. Color allows the operator to know what kind of pipe they are in immediately, which helps with trouble shooting when a pipe is in need of repair. The self leveling feature is like an iris within the camera that levels out the picture. It's an obvious improvement on technology that wasn't available 20 years ago and the data is stored in a much more efficient manner for future information. Ms. Cavin questioned if this equipment would have an impact on reducing the amount of sewer back-ups and Mike Hunter, Utilities Manager, indicated that anytime preventative maintenance is performed it helps reduce those problems. There were several other questions which Mr. Hunter answered. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

6. First Reading - RESOLUTION NO. 2007-76 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF AN OFF-ROAD SEWER JETTER, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin explained this project too was a planned expenditure, \$32,000 budgeted amount in the Water Pollution Control Fund and is available under budget through the State Cooperative Program. The off-road sewer jetter allows access for hard to reach remote manholes and sewer lines throughout the city for routine maintenance and trouble shooting. This unit is set up to power the color push camera and the mini crawler, 36" wide and driven by

tracks rather than tires, which minimizes the risk of cracking pipes. Mr. Hunter answered several questions regarding the equipment. Mr. Topovski noted an error in Section 1 of the resolution. Mr. Griffin made a motion to amend Section 1 by deleting the wording “a valve turning and maintenance system” and replacing it with “an off-road sewer jetter”. Mr. Ansel seconded the motion and all signified they were in favor by voice vote. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

7. First Reading - RESOLUTION NO. 2007-77 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE AND INSTALLATION OF AN HVAC SYSTEM FOR THE WATER POLLUTION CONTROL PLANT OPERATIONS BUILDING, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Silvestri excused himself from the meeting.

Mr. Griffin pointed out this resolution is in relation to Ordinance #2007-51 which passed earlier in the meeting and this resolution is to enter into the contract for the HVAC system. There was no discussion as the HVAC was discussed earlier in the meeting. Mr. Griffin moved, seconded by Mr. Breneman, 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.

8. First Reading - RESOLUTION NO. 2007-78 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE COLLEGE OF WOOSTER, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated this resolution allows the mayor to accept \$4.3 million from the College of Wooster to help finance the Streetscape III project. Mr. Griffin questioned if the new design of the street would be wide enough for emergency vehicles to pass and Mr. Montgomery explained how it meets standards developed by ODOT and that the lanes themselves on either side of the boulevard are wider than the standard traffic lane. There being no further questions or discussion, Mr. Topovski moved, seconded by Mr. Griffin, 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.

9. First Reading - RESOLUTION NO. 2007-79 AUTHORIZING THE MAYOR TO PURSUE APPROPRIATION OF CERTAIN PROPERTY INTERESTS FROM PROPERTY OWNERS ADJACENT TO OR ABUTTING BEALL AVENUE FOR PURPOSES OF PROCEEDING WITH THE IMPROVEMENT THEREOF, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated everyone should have received an email from Mr. Benson on the necessity for this legislation which was received before the council meeting. This project deals with ODOT money and there are certain procedures that we must follow to satisfy ODOT and up to now there has been a problem contacting the right people at McDonalds to necessitate the easement needed in order to proceed with this project. This legislation ensure ODOT that we are pursuing the proper course in getting the easement at the intersection of Beall and Bowman in the vicinity of the existing McDonalds. Mr. Benson explained the process of authorizing the taking of an easement. Mr. Montgomery answered questions regarding funding, acquiring the right-of-way and the project's timeline. Mr. Topovski stated this legislation gives a contingency that if the parties do not come to an agreement within a reasonable time the city can pursue this avenue of getting the easement. 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. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

Mayor Mitten requested to convene to executive session concerning litigation. Mr. Ansel moved, seconded by Mr. Breneman, to adjourn to executive session. Upon roll call, motion carried 5-1 with Ms. Cavin opposing. Council returned at 9:57 p.m. Mr. Griffin moved, seconded by Mr. Ansel, to reconvene from executive session. Upon roll call, motion carried unanimously.

VIII. MISCELLANEOUS

Mr. Ansel addressed questions regarding the development on the east side of town and the status of unoccupied buildings.

Mr. Breneman stated he will be sending an email to the finance committee in order to set a date for a committee meeting to review the CAFR.

Mr. Topovski passed a letter out to council before the meeting, which he noted was read by Ms. Massaro during communications from the public.

IX. ADJOURNMENT

Mr. Topovski moved, seconded by Mr. Griffin, to adjourn. Motion carried and meeting so adjourned at 10:02 p.m.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council