

CITY COUNCIL MINUTES

April 2, 2007

President Judi Mitten called the regular meeting of 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. Ansel, to approve the minutes of the March 19, 2007 council meeting as received. Motion carried.

Mr. Sigg stated that a staff meeting was held earlier with the Mayor. Mayor Howey asked him to read the following statement: "I know a lot of people are asking about me and I thought it would be a good time to give an update on my condition. In the past 30 days, I've had two separate stays at the Cleveland Clinic; I've also had radiation treatment and have a follow-up doctor's appointment on Thursday, the 5th. I should have more information at that time on future treatment. I do appreciate the concern of council and the community, the volume of get-well cards and notes has truly been staggering."

Mr. Sigg further announced that we had received a request from the Wayne County Commissioners. They purchased a bus for use by the Wayne-Tuscarawas Transportation System and would like council to help defray the cost of that bus. Other communities have been contributing towards this expense; he had asked for a list of those communities and also more information on what the bus will be used for, etc. He would then present that to the finance committee for their consideration.

The following people spoke to council during the public input portion of the meeting: Kathy Meyer (purchase of property for water tower); Nancy Starr (water tower issue); Greg Gehris (general issues).

The Clerk read a notice from the Ohio Dept of Liquor Control for a new D-5I permit to Flower Girls, Inc., dba Broken Rocks Café and Bakery at 123 E. Liberty Street (D-5I is for beer and intoxicating liquor for on-premises consumption until 2:30 a.m.). Mr. Topovski moved, seconded by Mr. Breneman, not to request a hearing. Motion carried.

Mr. Breneman stated that a finance committee was held earlier this evening at 6:30 p.m. to discuss two issues: a snapshot of our city finances through the end of March and we are on target with what our projections were and slightly above that, we discussed council budget and whether we need to establish a policy or guideline with regards to how funds can be expended from that budget. That will be an ongoing discussion.

Ordinance No. 2007-11 authorizing the purchase of real estate, and declaring an emergency was read by title, being on third reading. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Mr. Griffin stated that prior to the last council meeting, we had a public utilities committee meeting where Joel Montgomery presented to us the history of what has led us to this proposed purchase of one acre of land north of Schellin Road. There were eight sites in the north end that were originally looked at and investigation of available and viable sites of the tower has been ongoing since early 1990 when the need in the north end first presented itself. The water storage capacity in the north end is very profound with daily demand being a half million gallons per day and our storage capability being only 250,000 gallons, that being the water tower behind Buehlers Milltown. The EPA mandates a daily reservoir of a one-day supply; this projected 500,000 gallon water tank to be located on the one acre site we would like to purchase will meet our needs for a good 15-20 years. This site was good topography for the tower and we have a negotiable seller and it was very close to a 12" existing water line on Schellin Road. The purchase price of \$75,000 maybe a little on the high side but he felt that extra expense was mitigated by the convenience of the land being available for purchase and to be able to move forward with this important project. Mr. Griffin stated that he did empathize with the

people in that neighborhood; it was difficult when you're looking at the needs for an entire city. We're in a situation where we're so drastically short of water capacity, we need to think about the high school and elementary school that's in that water pressure zone, major shopping areas and places of employment. It becomes difficult to say economic development is more important than people because getting people good jobs and safe jobs and sending our children off to schools that were protected with proper water pressure is very important for those living in the city and those living on the edge of the city who come in to do their grocery shopping and utilize city services in that manner. A lengthy discussion followed including the issue of procuring a site from Mr. Ratliff's land on the south side of Schellin and eminent domain. As these issues were not resolved, Mr. Topovski moved, seconded by Ms. Cavin, to table the ordinance until the next regular meeting. Upon roll call, motion carried by a 6-1 vote; Mr. Griffin casting the negative vote.

Ordinance No. 2007-12 authorizing the Mayor to enter into an amended agreement with Techni-Graphic Systems, Inc. for tax abatement, and declaring an emergency was read by title, being on third reading. Mr. Breneman moved, seconded by Ms. Cavin, to adopt. Mr. Breneman stated that this was to amend the tax abated amount because Techni-Graphics invested more money into their operation than what they thought they would be so that's very good news for our city. We've discussed this at the last two council meetings; we've passed the TIRC recommendations and he hoped we could move forward and adopt this tonight. Ms. Cavin thanked Mr. Vadya for the letter to all council members; that was appreciated very much. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-16 amending Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, Ohio, so as to zone newly-annexed land (19.411 acres) to a C-5 (Planned Business) District for property located on the south side of Dover Road (SR 250), between Dover Road and Millersburg Road (SR 83) was read by title, being on second reading. Mr. Ansel stated that prior to the March 19 council meeting, we did conduct the required public hearing regarding this C-5 zoning and there was no input received on this matter. This was also unanimously recommended by the Planning Commission to zone this land commercial for this parcel being proposed to be annexed. Mr. Ulbright stated that we probably need to annex the land before we can zone it. President Mitten stated that this has had its second reading and it will have to wait until the next meeting to be adopted (after which time the annexation will have been approved).

Resolution No. 2007-41 declaring the necessity of constructing sidewalks and curb ramps on portions of East Highland Avenue, and declaring an emergency was read by title, being on second reading. Mr. Topovski stated that this was to fill a sidewalk gap on Highland extending from Graustark to Burbank Road in an area that is heavily traveled by students having to walk to Edgewood or the other way going to the high school. The cost is a budgeted item and funds were encumbered from the 2006 budget. We have a list of the preliminary assessment roll listing the approximately assessments for the property owners that this will affect. Mr. Topovski planned to take this to all three readings so that those people affected by this has the chance to voice their opinion of this project.

Ordinance No. 2007-18 amending the pay ranges for temporary, seasonal and part-time employees by implementing the statutory minimum wage; and adopting a pay range for the new position of Clerk of City Council was read by title, being on first reading. Mr. Ansel stated that this would remain on first reading this evening because this actually deals with two issues and he wasn't able to contact Mr. Benson today to make an amendment to this ordinance. It's pretty self-explanatory; it's updating the minimum wage associated with the temporary, seasonal and part-time employees for the City of Wooster and the second issue in the ordinance was establishing the opportunity for the Clerk of City Council position to be highlighted on Attachment D for the job classification as referenced. Mr. Ansel stated that he would be proposing a language change in the second WHEREAS and he would also be proposing a separation of these two issues.

Ordinance No. 2007-19 accepting application for annexation of territory located on the south side of Dover Road (SR 250), between Dover Road and Millersburg Road (SR 83), and contiguous to the present corporation limits (Attorney J. Douglas Drushal, Agent for Petitioners) was read by title, being on first reading. Mr. Ansel stated that this legislation compliments the previous ordinance to zone this land to a C-5 District and needs to be adopted by council so that the zoning of the land may follow at the next meeting. The county commissioners have recommended and approved this annexation so it has gone through the due diligence process. 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.

Resolution No. 2007-42 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for purchasing road salt, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this was a routine yearly purchase for road salt to be able to take care of our city streets during the icy and snowy winter months. It was his understanding that Mr. Newman plans to purchase 5,000 tons of salt and at this time the cost was about \$40.45 per ton which was the same price as last year. In 2006, we used 1100 tons and in 2007 we've used 2100 tons already. We would like to get this passed tonight to allow Mr. Newman the flexibility of purchasing the salt at off-season prices. Mr. Topovski moved, seconded by Mr. Silvestri, 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. 2007-43 DECLARING IT NECESSARY TO IMPROVE 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 was read by title, being on first reading. Mr. Topovski stated that this resolution would allow the administration to send out the estimated assessments to the various property owners who will be affected by this project. The plans, specifications and cost estimates of the improvement have all been prepared and are now on file in the office of the Clerk. The City expects that a portion of the costs of these improvements will be paid from grants and contributions received by the city. With respect to the remaining costs of improvements, the city shall assume and pay its portion of the remaining costs of the improvements in excess of \$156.75 per foot of those lots and lands to be assessed. As we all know, this started out as a sewer separation project; we were going to dig a ditch up through Beall Avenue and put a new sewer line in and take care of some of the EPA requirements. The goals of "Streetscape Three" were to provide a strong link between the College of Wooster and the commercial area of downtown Wooster, to provide an extinguishable gateway to the College of Wooster, to provide a safer and more attractive environment for students, faculty and administrators within the college area, and extending into the commercial district. And enhance the marketability of the commercial district to attract

new businesses and increase businesses in the existing commercial land uses. Now it's time to move forward with this project; there have been some concerns about spending this additional money as to opposed to spending the money elsewhere. He did have a concern about the increase in the original estimated cost for the project in 2005 of approximately \$8.5 million dollars to close to \$11 million dollars now. It was his understanding also that the College had offered a donation of \$4 million dollars and in looking at the figures compiled by the city engineer on street projects and the Beall Avenue Streetscape, it was not listed at \$3,183,000 and he wondered why that was changed. We also have about \$2 million dollars in ODOT funding, about \$850,000 from water sources and \$525,000 from our sanitary sewer funds; assessments and debt comprise for the remaining \$10,602,000. Mr. Sigg stated that the big cost change has come from AEP; their costs have gone up substantially. Also, the College was still on board for \$4 million dollars plus approximately \$175,000 worth of right-of-way they will donate to the City. A short discussion followed. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Silvestri-yes; Topovski-yes; Ulbright-yes; Ansel-yes; Breneman-yes; Cavin-yes; Griffin-yes. Mr. Topovski moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt the resolution carried unanimously as follows: Silvestri-yes; Topovski-yes; Ulbright-yes; Ansel-yes; Breneman-yes; Cavin-yes; Griffin-yes.

Resolution No. 2007-44 amending Resolution Nos. 2002-31 and 2004-32 by increasing the amount of the contract, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that the estimated total cost of \$189,000 was to extend an existing contract with ATS Engineering through the end of this calendar year for the residential project representative services and construction engineering services. Part of the extension was anticipated due to start-up work that needs to be accomplished such as operations and maintenance manual development and the one-year follow-up guarantee through ATS. Some of the increase was quite frankly due to unexpected delays with construction related to materials being available and delivered by several vendors and administration was following up with this. Mr. Griffin further explained the services being provided by ATS and the reasons why we needed to continue with this contract and a short discussion followed. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

Mr. Griffin commented on the water tower issue and that we needed to explore every avenue. However, this was on third reading tonight; 14 days had passed since our committee meeting and not a single phone call from a council member questioning due diligence or any other issue. He could have contacted Mr. Benson, worked with Mr. Montgomery on any concerns, but he did not receive any and we should expect more of one another.

Ms. Cavin stated that her decision to table the water tower issue had nothing to do with whether or not he did a thorough job; as she stated she was ready to vote for it when she came in here tonight but sometimes in the course of the discussion things come up that raises questions about concerns that council might not foresee. She felt this needed more time for answers to the questions that were raised this evening.

Mr. Topovski read a portion of the Wayne County Economic Development Council's growth report dated April 2, 2007 (which he received via email today). He felt it spoke well of what Wooster Growth was doing in our community.

Mr. Breneman stated that he applauded what Mr. Topovski had read and we have a lot to be proud of; we're the best hometown in northeast Ohio and now we're the town ranked second in highest micropolitan area as far as getting new job growth and those are high accolades for our city.

Mr. Ansel stated that along those lines, he had received several calls from friends across the country and it as very rewarding to hear the feedback when they receive and hear that type of publicity and it's through a lot of hard work and dedication through the WEDC, the Chamber, Main Street, city administration as well as the surrounding community. We are having a meeting on Thursday, April 12 at 3:30 in council chambers. This meeting was targeted to the proposed Zoning Code revisions. The chamber has contacted all developers in the area to solicit their input; this has been an ongoing discussion. Please plan to attend; we'd like to get this approved prior to summer.

Mr. Ulbright was proud to read the report from Mr. Crider and he certainly agreed with Mr. Topovski; he was very proud to know that the hard work everyone has done is being recognized and in this case, across the country and he congratulated Mr. Crider and all the organizations that have come together to make this possible.

President Mitten stated that we had a very positive agenda tonight; we approved Beall Avenue Streetscape, our water pollution plant improvements are going to proceed; it was very positive and it's exciting when we get things done for the citizens of Wooster. Ms. Mitten reminded council that they need to file their financial disclosure statements by April 16.

Mr. Ansel moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:10 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council