

CITY COUNCIL MINUTES
February 20, 2007

President Judi Mitten called the regular 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. Breneman, to approve the minutes of the February 5, 2007 minutes as received. Motion carried.

The Clerk read a notice from the Ohio Division of Liquor Control for a transfer of a D-5 and D-6 permit to Jake's of Wooster, 344 Riffel Road from Millcar, Inc. dba Jake's at the same address. The D-5 is for spirituous liquor for on-premises consumption, beer and wine for on-premises until 2:30 a.m. and the D-6 is for spirituous liquor sales on Sunday between 1 p.m. and midnight. Mr. Topovski moved, seconded by Mr. Griffin, not to request a hearing. Motion carried.

Ordinance No. 2007-4 amending the Enterprise Zone Policy re-adopted in Ordinance No. 1999-9 was read by title, being on second reading. Mr. Ansel stated that this was covered in great detail at the last council meeting; there have been three minor revisions to the proposed enterprise zone expedited agreement guidelines. Those changes (which were underlined) were based on feedback received from the Wayne Economic Development Council. This will remain on second reading this evening to make sure that everyone who has an opinion can provide any feedback before final vote.

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 second reading. Mr. Breneman stated that this would connect those city buildings that weren't currently connected to the fiber network system utilized throughout the city by utilizing Clear Picture, Inc. This would connect the north end fire station, the parks building on Long Road and the city pools. Mr. Sigg had sent council members an informative email addressing some of the concerns that had come up at our last meeting. A short discussion followed and 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. 2007-30 authorizing the Director of Administration to enter into a technical services contract with SunGard Bi Tech, LLC of Chico, CA for application service provider ("ASP") services, and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that many of us attended a precouncil meeting this evening where we had a tele-conference with the folks out at SunGard Bi Tech in Chic, CA. There were many good questions asked and he felt that we have a better understanding of what the finance department was looking for with this contract. This

will remain on second reading and between now and the next meeting, the finance department will check with other municipalities who use this company and get their feedback on the service they receive and the working relationship with SunGard. We all had the fear of what happens if Chico, CA falls into the Pacific Ocean and how that would affect our financial data and operation of the city. We did get those fears allayed by the answers we received this evening with their redundancy and back-ups they have with off-site locations and the notion they would keep working with other off-site locations. They told us if something were to happen, there would be no loss of data and that we should be able to be back in business within 72 hours.

Ordinance No. 2007-5 adopting a Hazards Mitigation Plan for the City of Wooster was read by title, being on first reading. Mr. Silvestri stated that it was his intent to keep this on first reading. This is required under the federal disaster mitigation act of 2000; having a county all-hazards mitigation plan was made a federal mandate as of 2004 which means that all political subdivisions within the county must develop and adopt such plan. Mr. Silvestri had a copy of the plan and offered it for perusal by anyone interested. There's also an electronic copy available as well. It was done in conjunction with the Wayne County Planning Department and the Wayne County Emergency Management Agency. The primary reason for us developing and adopting this was to be in compliance with federal law.

Ordinance No. 2007-6 levying special assessments for the improvement of East 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 was read by title, being on first reading. Mr. Topovski stated that passage of this ordinance tonight would allow the administration to mail out the final assessments to all the property owners affected by this project. The total assessment amount was \$575,880.29; the original estimate covering the cost of the entire project was \$1,968,273. That cost included administrative costs, engineering costs and construction costs with the original construction cost estimated at \$1,616,273. The actual overall cost was \$1,880,488 or \$87,785 lower than the overall estimated cost, which was a 4.5% cost savings. The actual construction cost on this project was \$1,541,263, or about \$75,010 lower than the estimated cost of construction. The assessments that have been estimated for this project were approximately \$603,000 but since the project came in at 4.5% lower than the estimate, we will now send out assessments in the amount of \$575,880.29. The property owners have three methods of payment – one was to pay this total fee within 30 days of the passage of this ordinance; they can make 15 annual installments with 5% interest; or a default which means that if for any reason the property owner does neither of the aforementioned methods of payment, all special assessments remaining unpaid after the 30 days shall be certified to the county auditor and placed on their tax duplicates and collected over a 15 year period. Mr. Topovski moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Breneman-

yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes; Ulbright-yes; Ansel-yes. Mr. Topovski moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously as follows: Breneman-yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes; Ulbright-yes; Ansel-yes.

Ordinance No. 2007-7 amending Part 17, Taxation Code, of the Codified Ordinances of the City of Wooster, Ohio by the enactment of a new section 161.07, Accounts Receivable Management Committee was read by title, being on first reading. Mr. Breneman stated that what this does is to fall in line with the federal and state filing date deadline for income tax returns, which we feel will provide less confusion for the public. We received a nice memo from Mr. Dordea explaining this amendment. The problem with the language was that it didn't take into effect that April 15 might fall on a weekend or holiday which will, in fact, be the case this year when it falls on Saturday or Sunday so it would essentially get filed the next day which would be the 16th or 17th. Monday, the 16th, is Emancipation Day which is a legal holiday in the District of Columbia; so that means the federal government can't make their returns due on Monday. Therefore, it makes Tuesday, the 17th the filing date for taxes. So, we are trying to mirror that and take confusion out of it. Mr. Breneman moved, seconded by Mr. Ansel, 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. 2007-8 amending Chapter 161 of the Codified Ordinances of the City of Wooster, Ohio by the enactment of a new section 161.07, Accounts Receivable Management Committee was read by title, being on first reading. Mr. Ansel stated that this would remain on first reading this evening. This was an administrative proposal that would create a committee for the review of aged accounts receivable. As in any business, there is a certain portion of revenues that were deemed uncollectible and Mr. Dordea has provided a very nice overview summary in his memo to council that lists the reasons for bad debt, i.e. bankruptcy cases, debtors cannot be located, etc. The City has done a commendable job in their collection processes; they're in the 99.9% range consistently so as an example, on \$9,000,000 receivables, an \$8,000 uncollectible historically was an average amount. The current procedure was to have council review all bad debt processes and to make those decisions and to try to expedite that process, this revision was being proposed where amounts under \$5,000 would go to a central committee consisting of three representatives -- the law director, the finance director and the chairman of the finance committee within city council. They would review these periodically and make the decision as to whether they were uncollectible or should be pursued; anything less than \$5,000 could be decided upon through this checks and balances committee and anything in excess would come to council for their consideration. Ms. Cavin stated that she was strongly opposed to this; we're here every two weeks for the purpose of conducting people's business and to oversee these matters. She felt this needed to be aired publicly on a case by case basis, even if it is under \$5,000. She saw this as one more piece of legislation to try to reduce the authority of this council to do what we were elected to do and she didn't feel it was correct to give away this authority nor was it fair to the people of Wooster who expect us to review where all of

their money goes. Mr. Silvestri's concern was the term "uncollectible"; with our EMS service, we have a collection agency that oversees the billing and perhaps something like that might prove more efficient, more profitable and more effective at getting some of these bills paid rather than appointing a committee to write off certain amounts. He would like to see us a little more proactive in collecting these debts. He did agree with Mindy in the sense that we were appointed to council seats as representatives of the people and it's only right that everyone pays their fair share and we do all we can to hold people accountable in that regard. Mr. Griffin wondered how many accounts made up the \$8,000 quoted in Mr. Dordea's memo. Mr. Dordea stated that he didn't know off the top of his head but it was a great number of accounts consisting of amounts across the board from \$2-3 up to \$250. A short discussion followed.

Ordinance No. 2007-9 providing for the erection and maintenance of a street light at the intersection of Oak Hill and Milltown Roads in Wayne Township, and appropriating funds therefore was read by title, being on first reading. Mr. Ulbright stated that this would remain on first reading. He had provided council members with a letter from Craig Cahoe at AEP regarding this light and providing the monthly charge for the two different sized lights and the way this resolution was written would approve the bigger size, which was the 22,000 lumen at a cost not to exceed \$200. In his discussions with the law director and the engineer, both felt that there should be a discussion of criteria addressing this procedure for any future similar proposals. Mr. Montgomery commented that he didn't have any disagreement that a light was probably needed at that intersection and there were probably more both inside and outside the city where street lights would be beneficial. Where he was uncomfortable with this request was when they come in with requests for other city services and they are outside the city or just adjacent to the city and as a rule and very consistently, when someone asks for such service outside the city, he just says no. He wasn't really sure what the criteria was or where you could draw the line as far as making those decisions. Mr. Ulbright felt this was an unusual situation created by geography in part and also the close proximity to the corporation lines in two directions and the fact that the development in the north end was growing. Mr. Ulbright asked Ms. Mitten what committee this should be referred to for drawing up some criteria. Ms. Mitten referred this to the Infrastructure Committee; she asked Mr. Topovski as infrastructure chair to take this on and help develop a policy.

Ordinance No. 2007-10 amending Chapter 925, Storm Drainage, of the Codified Ordinances of the City of Wooster, Ohio; and repealing Chapter 907, Erosion and Storm Runoff Controls was read by title, being on first reading. Mr. Ansel stated that this was generated and forwarded to us very late in the day today and we haven't had a chance to review it. It was a comprehensive rewrite/update of Chapter 925 of the storm drainage section and he felt Council needed time to review this and digest it before acting on it. Mr. Montgomery had told him that this was a general update revision based on new EPA compliance standards.

Resolution No. 2007-31 authorizing the Director of Administration to enter into a contract with Malcolm Pirnie, Inc. of Columbus, Ohio for professional engineering services related to the assessment of the VOC Interceptor Wells in the south well field,

and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that Mr. Hunter provided the document before you which was a summary of the contract with Malcolm Pirnie which gives us a 7-8 year history of a variety of projects associated with the south well field. This was a budgeted expense not to exceed \$30,000 and basically, to preserve the legal and production integrity of the south well field, we need to continue to do the work as directed by the Ohio EPA, control the VOC's and monitor how the interceptor wells were operating and to plan for the future. We have had this discussion several times and it can be viewed as a nagging expense; however, the bright side was that it's an expense for a very valuable natural resource that the city has. We continue to fall under mandates from the EPA, and it does get frustrating and we need to continue to meet those mandates to avoid fines and we have a very solid history with Malcolm Pirnie. Mr. Hunter gave a lengthy, albeit informational and enlightening, explanation for the necessity of this resolution and this contract. Mr. Griffin moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2007-32 authorizing the Director of Administration to enter into a technical services contract with Joel T. Berry of Shreve, Ohio for consulting forester services, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Ansel, to adopt. Mr. Ulbright stated that Mr. Sigg had requested this be placed on third reading tonight to make this ready for a spring sale of the trees involved. Mr. Ulbright stated that this would be a technical services contract with one of the two foresters in Wayne County. Council has been provided with maps of the properties in question, one showing land owned by the Wooster Growth Corporation which was the Timken property and one showing the wooded area around our south well field and in both cases, we're talking about forests that the city owns. What this resolution proposes is that we enter into a contract with Mr. Berry who will develop and implement a timber management plan for these properties. This was valuable timber and if not properly managed and continued to be allowed to grow wild in the past, it's not healthy for the trees. Mr. Berry would be hired to manage this resource, do some selective harvesting, and because of the value of some of these trees, it's estimated that the city could recoup between \$50-65,000 per cutting. There's no specific dollar amount associated with this contract because it's based on the value of the timber being sold. A short discussion followed and upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-33 accepting the recommendations of the Wooster Tax Incentive Review Council with respect to existing Enterprise Zone and Community Reinvestment Act Agreements, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was an annual occurrence where we have enterprise zone agreements and community reinvestment agreements within the city and we are required to do an annual review of those to make sure all were in compliance with the terms and conditions set at the time the agreements were granted. The state's enterprise zone law provides that the legislative authority must vote to accept, reject or modify all or any part

of the tax incentive review council's recommendations as to the existing enterprise zone agreements and community reinvestment act agreements. On the back of the legislation is a letter dated February 14 concerning the TIRC recommendations. Mr. Breneman reviewed the recommendations as listed, stating that the committee recommended continuing all of them as submitted and it is our purview to either accept, reject or modify the recommendations. The TIRF is made up of eight members -- the Mayor, council president, county auditor, our chief financial officer (Mr. Dordea), school board appointee, Jim Barnard, vocational school appointee is Kip Crain and the mayor appoints two members from the community, Manny Stone and Jeff Sluetz. Mr. Starlin provided council with copies of the Enterprise Zone annual report. Mr. Breneman asked that we strongly consider accepting these recommendations. A short discussion followed; Mr. Silvestri requested more information in order to make an informed decision on these recommendations. Mr. Breneman decided to leave this on first reading.

Miscellaneous

Greg Gehris, 347 N. Grant Street, commented in reference to Ord. 2007-8 and the last Res. 2007-33 and that was he believed that accountability in government was very important and he commended Mr. Silvestri for bringing this up and asking for more information. He hoped that they would be more consistent with accountability; open government was very important for Wooster residents.

Mr. Topovski commended all the city employees who worked on the removal of all the snow last week. He asked that city residents look in their neighborhoods where the fire hydrants were partially covered with snow. Those need to be uncovered in case there was a fire in the area and the hydrants needed to be accessed. Mr. Topovski stated that as you recall, the Infrastructure Committee has proposed improving sidewalks on a section of Highland Avenue from Graustark to Burbank Road and he had been informed by Mr. Montgomery that we would have the information within the next 30 days to proceed. He will call a committee meeting in the near future to discuss where our next sidewalk expansion would take place where we have an improved street but no sidewalks. At the last council meeting, we passed Ord. 2007-3 which was a CRA for a location on W. Liberty Street. He made a comment at that time that he was uncomfortable not knowing the principles involved in that project and he was told that with the CRA's the principles did not need to be known. Within two or three days he was getting calls from local citizens telling him who the principles were and he found it disturbing that they had the information, but council members didn't. He felt that the CRA guidelines should be amended to reflect that council members be informed of whom the principles were as there could be conflicts of interest. The good news I have for Council is that in talking with Mr. Montgomery today, he informed me that ODOT had a new program where \$19 million dollars worth of grant money was available for funding of sidewalks in the vicinity of schools. Mr. Montgomery has applied for the grants that were available and in the vicinity of the schools that qualify and meet the grant requirements. These grants were to provide safe walking conditions for those areas where kids had to walk to school (within a one mile radius for elementary school and a two-mile radius for high schools).

Mr. Silvestri stated that he, too, wasn't very comfortable with not knowing who the entities were with a CRA application for some of the reasons that Mr. Topovski brought out and also because visibility was a good thing. The state statutes did not require that that information be disclosed so whether we can change the guidelines is questionable. Mr. Sigg said that with the exception of one or two CRA applications, we have never known who would be leasing the space or who would be occupying the space. We know who is going to make the improvements or who might own the building, but who the final occupants or tenants would be is an unknown. Mr. Silvestri stated that regarding the assessments for E. Milltown Road, he had spoken with Mr. Montgomery today and when traveling eastbound on Milltown and coming to the t-intersection with Melrose, one of the things we had discussed prior to the completion of the construction was the visibility problem looking south from that intersection. Visibility was not clear there but there were serious constraints that kept us from making the visibility clear, one being that the grade had to be even with the residential area. Also, the steepness of the grade of the road and the grade going up into the residential property with a concern for safety was also a factor.

Mr. Ulbright commented that he was thrilled to hear Mr. Topovski's announcement of ODOT's grant program for sidewalks in the vicinity of schools. He was very glad to hear that news.

Mr. Silvestri moved seconded by Mr. Griffin, to adjourn. Motion carried and meeting so adjourned at 9:16 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council