

CITY COUNCIL MINUTES

February 22, 2005

President Judi Mitten called the regular meeting of Council to order at 7:30 p.m. and upon roll call, members answered present as follows: Breneman, Buytendyk, Cavin, Griffin, Silvestri, Topovski, Ulbright.

Mr. Buytendyk moved to approve the minutes of the February 7 meeting. Mr. Topovski noted that it was stated in the minutes that the two letters presented during the public input portion of the last council meeting would be attached to the minutes but they were not. The Clerk stated that they would be attached to the original minutes and she would forward copies to all council members. Mr. Griffin seconded the motion to approve the minutes as received. Motion carried.

The Clerk read two notices from the Ohio Division of Liquor Control as follows: 1) a new C-1 permit for Thomas P. Vura, dba Thomas' Deli and Market, 124 N. Walnut Street (C-1 is for beer only in original sealed containers for carry-out only until 1 a.m.). Mr. Breneman moved, seconded by Mr. Griffin, not to request a hearing. Motion carried. 2) transfer of a C-1 and C-2 permit to Pam & Bill's Wooster Market, 1694 Cleveland Road from Smith Grocery. C-2 is for wine and certain prepackaged mixed drinks in sealed containers. Mr. Buytendyk moved, seconded by Mr. Topovski, not to request a hearing. Motion carried.

Ms. Mitten stated that a council member had expressed some concerns about the economic development fund of the chamber and a candidate had also expressed their concern about public monies not being used properly so she had asked the chamber to clarify their position on putting together a Political Action Committee. Ms. Mitten asked the clerk to read the letter.

Mr. Griffin stated that prior to tonight's meeting, a public utilities work session was held and our guest speaker was Mr. Dave Wheeler who is the regional general manager of American Electric Power. Mr. Wheeler addressed power restoration to neighborhoods and spoke specifically about the power outage we experienced due to the ice storm just before Christmas. He brought forth some good issues and our citizens had raised some legitimate concerns. Our action as a committee would be to do some investigation with Mayor Howey and the law director to see if there was anything we could do to mandate that neighbors have their trees trimmed properly so that all citizens can have electricity maintained.

Mr. Breneman stated that he would like to have a finance committee meeting sometime in mid-March to discuss how we are proceeding in this fiscal year so far and in keeping close tabs on where we are in this tough year. We also need to discuss revisions to the bed tax application as we ran into some variables that we need to address before next fall. We'll try to determine a date later in the miscellaneous section of the meeting.

Resolution No. 2005-8 authorizing the Director of Administration to enter into a contract with Brandstetter, Carol & Zofcin of Cleveland, Ohio for professional engineering services related to the design of the Beall Avenue Reconstruction Project, and declaring an emergency was read by title, being on first reading. Mr. Griffin distributed a memo from Mr. Sigg that thoroughly explained the project; Mr. Griffin asked council to look at the spreadsheet provided by Mr. Sigg which showed a running total of what was involved in this \$8.5 million dollar project and where the monies were coming from. Mr. Griffin reviewed the information provided. He stated that he felt confident in supporting this project; we should remain clear on the fact that we're using the

same formulas for this project as we do for other street improvement projects in terms of what the city puts into it – we'll use Enterprise funds and property owners will be assessed. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Ms. Cavin stated that two people in the audience tonight were associated with the Medicine Shoppe at the corner of High and Beall and it appeared that this preliminary plan would cut into their parking which could affect their ability to use that building. She was concerned that when this plan was officially started that we do not cause any harm to the businesses already there and we need to take that into consideration. Mr. Ulbright thanked Mr. Sigg for the information and asked when this might come back to council and in what kind of form. Mr. Sigg stated that we had originally planned to have the design work done in 2005 and go to bid in 2006 but we feel that might be overly optimistic at this point because of the involvement of the Dept. of Transportation. In order to meet their time line we cannot go to right-of-way acquisition until the design is completed. Realistically, we're looking at June of next year before we get ready to go to bid and we'll bring it back to council prior to that with an engineer's estimate with all the considerations and tweaks worked out. We anticipate that we will be meeting with individual businesses, groups of businesses looking at driveway approaches, etc. A lengthy discussion followed and upon roll call, motion to adopt the resolution carried by a 7-0 vote.

The clerk read an informal resolution extending support from the City Council of Wooster to a senior tax credit development proposed by Community Investment Corporation and L. W. Associates. Ms. Mitten stated that there were two amendments to this resolution – that the project was for 42 apartments and was approximately 7 acres located at the end of Mindy Lane, not Country Club Drive as stated in the present copy. Ms. Mitten stated that L & W Associates had brought another packet in this evening and council members should have a copy of that. She asked that during the presentation, council consider whether this was a community need; was there a market here and was there funding to fill these units? Andrew Whapham, General Manager of L.W. Associates stated that their affiliate was Community Investment Corporation and he expressed his appreciation for the opportunity to make the presentation to council and the city administration. Mr. Whapham stated that the packet that was distributed this evening included a resume of the types of projects that they had done and what they were proposing here along with a brief description showing a site plan and color layout of what the units would look like. Mr. Whapham stated that this development was intended for seniors 55 years and older. A 35-minute question and answer session followed and it was the consensus of council that more time was needed to assimilate the information provided this evening. Mr. Topovski moved, seconded by Mr. Ulbright to table the informal resolution and upon roll call, motion carried unanimously.

Ordinance No. 2005-3 providing for the City of Wooster to cooperate with the Ohio Department of Transportation in the rehabilitation of a bridge within the City of Wooster (SR 3), and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Breneman, to adopt. Mr. Ulbright stated that this would authorize the city's cooperation with ODOT for the purpose of rehabilitating the bridge at Route 3 as it crosses over Route 30 and included bridge abutment repair and other miscellaneous super structure repairs. We agreed to the fact that we will incur no expenses on the actual necessities of the repair but anything that exceeded the bare minimums that the state puts forth on this rehabilitation, that we accept responsibility for 100% of those added construction items as indicated in Section 3 of the ordinance. We would also agree that right-of-way required for the desired project will be acquired by the city and that utility accommodation

relocation and reimbursement will comply with current provisions. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-4 amending the annual Appropriation Ordinance was read by title, being on first reading. 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. Mr. Breneman stated that a laptop computer was pilfered from the Community Center and needed to be replaced. The cost was about \$2100; we do have insurance proceeds with a \$500 deductible so we need to put the funds back into the Community Center cost center so they can purchase a new computer. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-5 accepting application for annexation of territory located on the east side of Mechanicsburg Road, south of Silver Road, and contiguous to the present corporation limits (Attorney J. Douglas Drushal, Agent for Petitioners Milton and Gail Muhlfelder) was read by title, being on first reading. Mr. Buytendyk stated that the petitioners had gone through the annexation procedure with the County Commissioners who had approved it and now it's incumbent upon the council to decide whether or not we wish to annex this into the city. Mr. Buytendyk moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Buytendyk moved, seconded by Mr. Griffin, to adopt. Mr. Drushal stated that this was the annexation that was initiated by the City because of its desire to run a sanitary sewer line along the edge of this property to a lift station that currently exists at the end of Buchholz Drive. The deal was cut with the city was that we would annex and be allowed to tap into that line in exchange for allowing the use of the easement with no cost to the city. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-13 authorizing the Director of Administration to enter into a contract with Path Master of Twinsburg, Ohio for purchase of preemption controllers related to the updating of the emergency preemption system, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Mr. Ulbright stated that this was something we've dealt with before; this was to purchase six additional preemption controllers at some prominent intersections on Bever, Beall, Winter, Cleveland and Highland. This was a sole source contract and was a budgeted item in the capital improvements fund. This company was one of the few that makes this product and these controllers reduce the response time to an emergency and the driving time to the hospital. These were all replacements, as the current system is not working. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-14 authorizing the Director of Administration to enter into a contract with Baldwin & Sours of Columbus, Ohio for purchase of traffic signal controllers, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright stated that this was another sole source that fell between \$15,000-25,000 so there's no need for competitive bidding. We are replacing three signal controllers at Diller Point, Oldman/Burbank and Bever/Madison. This would replace old controllers with new ones that allow more options to move the traffic and communication between the controllers through a wireless system. Baldwin & Sours was the primary manufacturers of this product and by purchasing these now, we would can get the replacement at Madison & Bever before the U. S. Route 30 traffic starts going through there. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-15 authorizing the Director of Administration to enter into a contract with Baldwin & Sours of Columbus, Ohio for the purchase of battery back-up systems, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Mr. Ulbright stated that this was for a back-up system so that when we have our occasional power outage that we will not have to close or put up barricades or have police directing traffic at these intersections. These systems will provide power for up to six hours; the intersections were listed on the back of the resolution and were 10 new locations at what we deemed critical intersections. These units can be purchased through the State of Ohio cooperative purchasing program but Baldwin & Sours was the company that actually provides these units. A short discussion followed. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-16 authorizing the Director of Administration to enter into a contract with Baldwin & Sours of Columbus, Ohio for purchase of traffic signal controllers, 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. Silvestri, to adopt. Mr. Ulbright stated that this came from the capital improvements fund and fell within the \$15,000-25,000 and didn't have to be a competitive bid and the cost was \$24,750 and was to purchase 11 new traffic controllers for the downtown area and would replace 1970's vintage controllers that parts could no longer be found to make repairs. As in the earlier resolution, this would lower operation costs and improve traffic flow. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-17 authorizing the Director of Administration to enter into a contract with Traffic Control Products of Willoughby, Ohio for the purchase of traffic signal poles, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that this was a competitive bid and was the lowest of three bids to replace the existing signal poles at Diller Point (Bever/Burbank/Quinby/Cleveland). This was again from the capital improvements fund at a cost of a little over \$19,000 and this completed the replacement of existing signal poles using metal mast iron poles. Mr. Gilbert stated that we would be updating the Diller Point intersection with the controllers and these new poles and new signal heads would complete the total package. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-18 authorizing the Mayor to accept and apply grant monies from the Department of Homeland Security, and declaring an emergency was read by title, being on first reading. Mr. Silvestri moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Breneman, to adopt. Mr. Silvestri stated that this legislation was a result of the fire division receiving a grant from the Department of Homeland Security for programs related to health and wellness. They've been awarded the amount of \$21,722 subject to a 10% local match. This grant would allow us to purchase exercise equipment and to train four members to be peer fitness trainers. Some of the challenges that the firefighters face physically as a result of all the emergencies they are subject to take a toll on them and as a result nationwide more firefighters die of heart attacks and other cardiac related diseases than any other cause. This program would keep them physically fit to the point they will reduce their risk of cardiac related diseases. The

equipment being purchased is listed on the memo provided by Chief Brown. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-19 amending Resolution No. 2005-7 by increasing the amount of the contract, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that he just received this legislation tonight along with the revised agenda and it was water fund money being allocated for fuel costs along with lime, soda ash, sodium hypochlorite and carbon dioxide for the plants. Mr. Kinney stated that we had requested bids for chemicals and had received and opened the bids last week. We've been bidding on a two-year cycle and were a little surprised at the costs that came in last week which were way over what was estimated. We saw lime go from \$75 per ton to \$126 per ton. We are under-funded because of those high bids so we need this extra money to make up the difference. Mr. Ulbright asked if this trend might continue in the next year or two. Mr. Kinney stated that we had noticed some increases but were locked into a two-year bid so it hadn't affected us. We knew there was going to be an increase, but we didn't think it would be this huge. A lot of it was transportation costs plus the fuel to make the product. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

Ms. Cavin stated that she was happy to see something positive on the agenda for the fire department and it was a bonus that it was something positive coming from the Department of Homeland Security.

Mr. Ulbright stated that he wished to reserve the right at the next meeting to comment on the letter that was read into the minutes tonight from the Chamber of Commerce wherein they tried to dispel any fears about the mixing of monies including the bed tax monies they receive from us and any funds they might wish to use to endorse candidates.

Mr. Breneman asked council members if there was a date that would work in the early part of March for a finance committee meeting. Nothing was resolved and Mr. Breneman stated that he would send out an email with some dates and times and go from there.

Mr. Buytendyk stated that he had received one comment from a citizen about Streetscape and that was that it was nice to see some federal tax dollars come back to the City of Wooster and he appreciated that.

Mr. Buytendyk moved, seconded by Mr. Griffin, to adjourn. Motion carried and meeting so adjourned at 9:55 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council