

CITY COUNCIL MINUTES
February 6, 2006

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. Ansel moved, seconded by Mr. Silvestri, to approve the minutes of the January 17 meeting as received.

Kevin Baker, 5050 Gola Drive, spoke for himself and his friend Richard Stahl of the same address regarding the issue of the Ratliff annexation and their concern with regard to the run-through street Mr. Ratliff proposes that will run all the way from Schellin to Gola Drive. John Keating stated that what council was looking at tonight was the resolution of services and not approval of the annexation, at which time there would be ample time for public input. Mike Pritchett, 4962 Pine Ridge Drive, also spoke with regard to the Ratliff annexation and agreed with Mr. Baker. Bill Rickett spoke representing the township trustees stating that they were adamantly opposed to the annexation but would discuss more fully at the commissioner's meeting.

Mr. Ulbright stated that on January 30 at 5:00 p.m., we had a "ad hoc" vandalism committee meeting. Council received a copy of the minutes from that meeting. Ms. Mitten asked if this was a public properties committee meeting. Mr. Ulbright said it really wasn't but that it would relate to Public Properties as he was going to schedule a committee meeting later tonight. He wanted to introduce Daryl Decker who would summarize the comments made at the meeting. Ms. Mitten stated that she didn't see Mr. Decker in the audience but she did appreciate the homework that Mr. Ulbright had done and he did need to set up a committee meeting so that they could make a recommendation to city council.

Mr. Breneman stated that he would be setting a finance committee meeting to review where we ended up in 2005 and how we fared through that year and the trends for 2006. Also, we need to discuss tax abatements and some of the make-up we have in the applications for tax abatements. We have one candidate who is considering building a warehousing operation and might be interested in looking at the tax abatement issue and we need to look at the parameters of the application process. Also, Ms. Cavin had asked that we look at the bed tax issues early in the year.

Resolution No. 2006-11 stating to the Wayne County Commissioners, pursuant to Revised Code Section 709.03, the services which the City of Wooster would be able to provide for territory located on the east side of Cleveland Road, between Gola Drive and Schellin Road (CR 226), and contiguous to the corporation limits, and declaring an emergency was read by title, being on second reading. Mr. Ansel stated that we reviewed this on first reading three weeks ago and there's been time to receive feedback from the responsible city department heads regarding the services their respective departments can offer this proposed annexation. Mr. Ansel reviewed the services stated in the resolution. This resolution validates the service availability to this proposed parcel based on the research and feedback from the professionals within the city administration. Mr. Ansel moved, seconded by Mr. Breneman, to suspend the rules and place on

third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-1 amending Ordinance No. 2004-33 by expanding the boundaries of Wooster Community Reinvestment Area #1 was read by title, being on first reading. Mr. Topovski asked council to refer to the maps that had been provided to them showing the current CRA and the proposed CRA and how the proposal would even the boundaries out. Mr. Topovski reviewed the process by which the Community Reinvestment Area came into being. Tonight we are looking at a proposal to expand the boundaries of this area to include areas west of its current western boundary that will include Gasche and Belmont Streets from Bowman on the south to University Street on the north as described in Section 1 of the ordinance. After a short discussion regarding widening the boundaries even further, it was decided that this remain on first reading in order to discuss it further at an infrastructure committee meeting.

Resolution No. 2006-14 authorizing the Mayor to issue payment to the Wayne Economic Development Council for economic development services was read by title, being on first reading. Mr. Breneman stated that Wooster is served by three branches of economic development – the Wayne Economic Development Council, the Chamber of Commerce and the City of Wooster and council itself. Mr. Breneman explained this trio as the finder, the minder and the grinder. The WEDC is the finder sending out feelers all over the country and even overseas attracting companies to locate here such as Tekfor and Luk; the minder is made up of the Chamber and their job is to mind those entities that are already here and make sure we retain those businesses; the grinder is the City and we grind out the things that makes everything work such as water, storm sewer and other utilities are available, agreements for tax abatements, etc. We have funded WEDC at this level since 2001 and were part of our appropriated monies in the General Fund. 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-15 authorizing payment to Crawford and Company for expenses of litigation, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that last year, we had an incarceration and tragically during the night, the person incarcerated passed away. There was a lawsuit; litigation is still pending so we can't say too much about the case but we have received word that the City has been dismissed as a defendant. We have general insurance as a city on our pools and general liability insurance that covers all aspects of our municipal operations whether it be pools or any else that we might have to deal with. We have a \$25,000 deductible which this resolution would authorize. Mr. Silvestri moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-16 amending Resolution No. 2005-85 by increasing the amount authorized for the contract, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this was a request for additional funds to provide for the replacement of the North Street Bridge; the original estimates that came in were anywhere from 11% to 18% over the anticipated budget. We are on a time constraint with the low bidder due to the fact that his suppliers will not hold their bid prices past February 10 so we need to take action on this tonight. The recent petroleum price increases have been significant and affect the project because the price of the sewer pipe to be used is directly related to petroleum prices. Mr. Topovski stated

that approximately half the cost of this contract was for materials. Throughout the construction industry, spiked pricing has become a fact of life where suppliers are not holding prices of plastic products which includes pipe and electric wiring and insulation surrounding them and some prices have actually doubled within the last 60-90 days. The cost of the sewer pipe has escalated drastically since this was bid out and we now need an additional \$103,000 in order to award this contract to the low bidder. A short discussion followed and 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-17 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. Topovski stated that the area this addressed was to provide signal controllers at the entrance ramps to State Route 585 off the Dix Expressway and the plant entrance of the former Rubbermaid. This location was the oldest signals in the city dating back to 1976 technology and there has been an ongoing maintenance problem with these signals. The controller is used to regulate the flow of traffic and breakdowns have caused headaches for the maintenance department and the fact that parts were difficult to find. This current system uses sensor wire which has to be embedded in the roadway which causes continuing deterioration of the infrastructure. The new system proposed would consist of a base mount cabinet and cameras mounted on the mast arms of the signal poles. The mast arms will not need replaced and the cameras would take the place of the undersurface sensors and they'll be able to monitor the flow of traffic and adjust the timing signal accordingly. Mr. Topovski moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Topovski moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-18 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. Topovski stated that the 10 controllers that are being proposed to be purchased are to continue updating the controllers in the downtown area. This was a sole source because of the requirements to furnish parts we already use and for spare parts. The current controllers were from 1982 and there was no support available from the manufacturer for the existing controllers and they have no salvage value. The new controllers can be installed without replacing the whole system – the existing control boxes will be used in the new control that will be programmed and installed in them. This was again, a part of an ongoing traffic control program throughout the city. After a short discussion, 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. 2006-19 authorizing the Director of Administration to enter into a contract with D.J.L. Material & Supply, Inc. of Akron, Ohio for the purchase of a Crafcro Supershot Melter, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this melter was used to seal roadway both with concrete and asphalt that has been cut for repair or maintenance. The machinery that we now use takes approximately 10 hours to get heated up and ready to use and requires an employee to go in two hours ahead of time to have the unit ready for use. The new machine will cut overhead time as well as time to do work to a more reasonable time and the maintenance department will not have to call in extra people. It was a

sole source bid. When he reviewed the budget we passed a few months ago, this had been budgeted at \$37,000 and now we're looking at a total cost of \$40,000 so he asked for an explanation of that discrepancy. Mr. Sigg said he would have to ask Mr. Newman; if this were the correct price, the difference would have to come out of their existing capital fund. Because of the \$3,000 difference, the legislation was left on first reading.

Resolution No. 2006-20 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 audible detection pedestrian crosswalk system, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this comes before us as a result of an incident at the intersection of Market and Larwill where a minister of the Methodist church who is sight-impaired attempted to cross the intersection with her seeing eye dog and was hit by a car knocking down both the dog and her. There is nothing there now that designates pedestrian crossing or non-crossing and this was north of the original streetscape project so any of the infrastructure that would have been installed were not installed here. Not only would there be a crosswalk sign indicator installed but also an audible signal to accommodate anyone who was sight-impaired. Since the city has been asked to provide this to accommodate this person, that if we don't provide it we could be held liable should anything else happen at that intersection. Mr. Topovski asked Mr. Benson what kind of position we would be in if we don't provide this to a handicapped person after being requested to do so. Mr. Benson stated that he wouldn't speculate on that without looking it up but they had spoken today about whether we have a duty to a single person. He wasn't certain that we did in this particular instance because he's not certain that the law creates a private right of action under this circumstance but he would look into that. Mr. Topovski said he would leave this on first reading in order to get that response and he would also say that we've already set a precedent in the city as there was an audible crosswalk system on Beall Avenue at Lowry Center put up by the city to assist a sight-impaired student there who has since graduated. A short discussion followed regarding providing this service throughout the city as it was helpful to everyone and not just the sight-impaired.

Miscellaneous

Alan Poulson stated that he wished to address the comments attributed to him in a letter by Mr. Murr to the Daily Record in the last week or two. Conversation did take place but that was really a great spin that Mr. Murr put on his comments and he would also like to say that it was unfortunate that the editorial staff of the newspaper did not call me to check and substantiate those comments attributed to him.

Mr. Griffin stated that he had additional information regarding gas aggregation and he passed to each council member a packet containing the info he had garnered. The question of gas aggregation to opt in/opt out has been discussed by citizens and on council floor and the more you look into this, this business is about one notch away from opening a kiosk in the mall. There are many plans available; he hoped the packet he provided was informative to everyone and he reviewed what was included in the packet. The bottom line was that citizens could choose any of the programs to opt into.

Mr. Silvestri thanked Mr. Griffin for his thorough research and the information provided regarding the gas aggregation.

Mr. Topovski stated that he wished to make it clear to the public regarding the new traffic controller that we discussed earlier that their use is for monitoring traffic flow only; they would not be used to monitor speed. Mr. Topovski stated that with regard to the Community Reinvestment Area, was there a different application process for businesses and homeowners and how do they procure the applications. Mr. Sigg stated that for a residential application, they simply need to make application which is available here in our building and was also on-line. They need to fill out the application, submit it to us and we verify that they qualify. For businesses and we've had one so far, it goes to the Wooster Growth Corporation who makes a recommendation to approve or disapprove and if it's over 50% tax abatement it must go to the school board for review and then comes to council for the final decision. We have an agreement with the school board that for commercial businesses in the CRA, the limit was 50% except in the downtown district where they've agreed to 100% abatement. Mr. Topovski scheduled an infrastructure committee meeting for Monday, February 13 at 5:30 p.m.

Mr. Ulbright scheduled a public properties committee meeting for Wednesday, February 15 at 5:30 p.m. to discuss the continuing problem of vandalism in city parks. Mr. Ulbright asked if we could get a list from the maintenance division of the list of streets they would be repairing this spring/summer so that we might answer questions from citizens questioning the condition of their street and others that need repair. Mr. Ulbright stated that it had been brought to his attention tonight that there were some trucks going up and down Palmer Street that have loads that exceed the bed width and he asked the chief about the rules regarding that. Chief Thornton stated that there were some width regulations and he would check the laws regarding that and he would also have our officers check out the problem. Mr. Ulbright said he had been told that Sines Trucking had loads that might exceed the bed width that might create a safety hazard. The final issue that relates to this was that a couple years ago, truck traffic on Palmer was a hot topic and we were assured by the city engineer that when Route 30 opened, the trucks wouldn't have to travel Palmer Street. He wondered if we could sit down with the engineer and take a look at the map now to see if we can ask those companies using Palmer for truck traffic that wasn't stopping on Palmer for business to use the new Route 30 facilities. This might be the subject of an infrastructure committee meeting.

Mr. Breneman stated that he had been in the energy business now for 26 years and Mr. Griffin, that was one of the best explanations of gas aggregation he had heard and he agreed completely that this was the wrong time to bring the city forward on this. Prices were definitely calming down due to the gulf coast recovering from the hurricanes and getting their infrastructure back in place and the mild winter we've had. In fact, he wasn't sure he was in favor of gas aggregation in any aspect; it was a move backward. People now have a choice of what company they wish to use and if the city went with gas aggregation, those citizens who didn't want to be a part of it would be forced to opt out. Mr. Breneman scheduled his finance committee meeting for Monday, February 27 at 5:30 p.m.

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

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council