

CITY COUNCIL MINUTES

January 3, 2005

President Judith Mitten called the regular meeting of January 3, 2005 to order at 7:30 p.m. and upon roll call, members answered present as follows: Breneman, Buytendyk, Cavin, Griffin, Topovski, Silvestri, Ulbright.

Ms. Mitten stated that the agenda would stand as stated.

Mr. Griffin stated that he had spoken today with a representative of AEP in relation to the recent events with the electrical outages over the Christmas holiday. He had called AEP to thank them and to clarify an urban legend that's begun and he found out some interesting facts he wished to share with Council. He had spoken with Dave Wheeler, the regional general manager for community affairs and economic development. A lot of the power outages were due to broken power lines and because of trees that fell on those lines. He found that there were three priorities when it comes to tree trimming around power lines – they go on a three-year cycle and their main goal is preserving the operational integrity of the power lines around the trees. They're not there to beautifully groom the trees but to cut the trees back. They also pay attention to the health of a tree; they have to operate under national standards so the trees aren't damaged and killed and to complete the trimming in an efficient manner so as to remain fiscally responsible to the rest of us. If they came to my house and I didn't want them to cut a tree as they wanted, they would cease operations and call in a forester and the forester would meet with me to see what my concerns were and they may come to a different solution but if I were to put up a fight, my tree may get less trimming than my neighbor's next door who has the attitude that they can cut what they needed to cut. They do run into resistance along the way and unfortunately that's why some of the power outages continued for so long in certain areas of the city. Another problem was that not all trees were in their right of way to be trimmed. Since the August, 2003 black-out that affected the northeastern part of the U.S., the federal government's become aggressive and interested in how the tree trimmings occur because of telecommunications and risks of terrorism, etc. and some companies tend to go in and cut trees back in any manner necessary. AEP doesn't want to have the poor public relations that would produce. Mr. Wheeler said he would be happy to come down and talk to council, perhaps at one of the precouncil sessions before the regular meeting. Mr. Wheeler did report that they only had five injuries of AEP workers throughout the state with no fatalities.

Mr. Ulbright thanked Mr. Griffin for that information. He had received a letter from a resident, Mrs. Lola Franks, that he wished to be read into the minutes. The clerk read the letter in which Mrs. Franks suggested that if such an event occurred in the future (power outage) that the citizens should be kept up to date via the radio on what to expect and what was happening, i.e. how long will the power be out, what should we do about our water lines, why are the phone lines out, has anyone checked on the older people in the community, etc.? Mayor Howey stated that the community center was open as a shelter but there were only about three people there and it was cheaper to put them in a hotel than pay our staff to be there. Mayor Howey said that he was in touch on a daily basis with AEP but he really didn't have any control over their work. Mr. Ulbright said there should be a policy that existed with a system that when these outages or other emergencies occur that after so many hours, messages were sent to the radio and the newspapers, etc. to keep people informed. Mayor Howey said we really don't have anyone who could go door to door; neighbors need to watch out for each other and help each other. Mr. Ulbright asked if it might be helpful to put a statement in the paper that outlines what the city did and what was in place and what might occur when we have these emergencies in the future.

Mr. Breneman stated that we paid big money to put a radio station in to make emergency announcements; was this utilized? Mr. Sigg stated that it only did the weather advisories.

Ms. Mitten stated that another thing we might explore and she had spoken to Chief Thornton about this was the reverse 911.

Resolution No. 2004-89 amending Resolution No. 2004-62 by increasing the amount authorized for the contract, and declaring an emergency was read by title, being on second reading. Mr. Topovski stated that he had met with Mr. Malta and they discussed the options that were available and tonight Mr. Patterson from the Patterson Company was present to answer questions. We had also met at the filter room earlier this evening to go over those options with council members. Mr. Malta gave us three options for repairing this along with the costs for each. Option 1 was the replacement of the entire filter system; option 2 was replacing the actuator valve and option 3 was building a new filter tank. After a very lengthy discussion, Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place the resolution, as amended, on third and final reading. Upon roll call, motion carried. Mr. Topovski moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion carried by a 6-1 vote; Mr. Breneman casting the negative vote.

Resolution No. 2004-88 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 Melrose Drive, north of Portage Road, and contiguous to the corporation limits, and declaring an emergency was read by title, being on second reading. Mr. Buytendyk stated that this was a perfunctory procedure that municipalities are required to go through when someone files a petition to annex. This resolution notifies the county commissioner as to the services the city could provide to the parcel being annexed. Mr. Topovski asked if there had been a response from the adjacent property owners in the area? Mr. Drushal stated that they had heard nothing back from any of the property owners they had notified in that entire island of land. He felt that this would start the process going and that others within that island would eventually require city services as well. Mr. Buytendyk moved, seconded by Mr. Ulbright, 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. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-01 amending the Traffic Control File to enact the recommendations of the Traffic Commission, 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. Silvestri, to adopt. Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Mr. Ulbright stated these actions by the Traffic Commission were normally done on a quarterly basis; however, this was a combination of third and fourth quarters of 2004. Ms. Cavin stated that she was voting against this because of #3 which was "no turn on red" at Palmer and Bowman. At least before, you could get out of the way of the trucks if they blocked the intersection; now by the time everyone backs up the light changes and we all do the same thing again if there are two trucks in line. She felt it was a bad idea. Mayor Howey stated that you couldn't have the traffic stop bar back where it was without the "no turn on red" sign. You can't let people go beyond the stop bar to make a turn on red if you're in fact trying to keep them back so a truck can make the turn. Mr. Montgomery said the stop bar was back now as far as it can be in accordance with the uniform manual of traffic control devices. He didn't know of any other option there other than widening the intersection which would be very costly. Ms. Cavin stated that she understood the intention but it's not working; they cannot make that turn. Upon roll call, motion to adopt carried by a 6-1 vote; Ms. Cavin casting the negative vote.

Resolution No. 2005-1 authorizing the Director of Administration to advertise according to law and enter into a contract(s) with the lowest and best bidder(s) for furnishing bituminous material and concrete, 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 by a 6-1 vote; Mr. Silvestri casting the negative vote. Mr. Ulbright moved, seconded by Mr. Breneman, to

adopt. Mr. Ulbright stated that he had handed out to council a couple reports from Frank Gilbert, one of which listed the total tonnage of these materials used between 1977 and 2005. The report showed an expected 10,238 tons of bituminous material, concrete and asphalt to be used in 2005, which is a significant increase over the past few years. The other list was the planned street repairs for this year. Mr. Ulbright explained that we as a city can go to the Ohio Dept. of Administrative Services Cooperative Purchasing program and get the oils/lubricants used putting down the asphalt materials, so that part was a non-bid. However, when purchasing asphalt and concrete, we can't go to that cooperative pool; we must bid that out and there were two companies locally that provide those things.

Mr. Topovski stated that last year Cedar Lane and LeMar were paved with the 1" paving, but the intersections weren't completed where the two paths crossed and met; would that be addressed in future paving. Mr. Gilbert said yes, they started a program where we're going to start overlaying the concrete streets.

Upon roll call, motion to adopt carried unanimously.

Resolution 2005-2 authorizing the Director of Administration to purchase vehicles in accordance with the Capital Plan for 2005, 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. Buytendyk, to adopt. Mr. Ulbright stated that his first thought when he saw the cost of replacing the two vehicles (\$210,000) what if we just get one and use the rest to pave more streets. When he spoke with Mr. Gilbert this afternoon and posed that to him, he reminded Mr. Ulbright that he believed that when we were in the 1994 budget crunch that a certain percentage of the capital improvements must go toward replacing depreciated equipment. Mr. Ulbright stated that we could again use the cooperative pool to purchase these dump trucks. A short discussion followed. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-3 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for mowing services for city-owned property and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that this was to hire an outside contractor to do some of our mowing; it was her understanding that we do not have the manpower to get this done and it was also less expensive to hire it out. Mr. Sigg stated that part of the problem with getting college kids for summer help is that they don't get out of school until June and our mowing season starts in late April. We pay contractors per mowing; that way if we have inclement weather and no mowing was done, no one was paid. Mr. Griffin asked if this was awarded to local companies. Mr. Gilbert said this was bid competitively and that the past five years it had been awarded to a local company. Mr. Sigg said we do our own mowing of the parks, ball field, etc. What this particular mowing included was road right-of-way, around the wastewater and water plants, retention basins and city hall. Ms. Cavin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Cavin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-4 amending Resolution No. 2001-41 by increasing the amount authorized for the contract, and declaring an emergency was read by title, being on first reading. Mr. Ulbright stated that there was some engineering done a couple years ago on E. Milltown and we had about 90% completed when we had a budget problem and the whole project was shelved. Because of increased traffic and increased development of the entire region, there was a real need in terms of safety to improve this road and intersection. Mr. Ulbright stated that accidents at the intersection of Melrose and E. Milltown were double for 2004 as they were in 2003 and the existing street wasn't designed for the current traffic load. Mr. Montgomery stated that this was not an additional \$140,000; that was the original contract price. This increase in this contract was for \$35,000 and we did receive Issue II funds in the amount of \$500,000

from Ohio Public Works Commission which weren't available to us two years ago. This money is available in July and part of their requirement is that we be ready to proceed with this project at that time. We have several steps to go through before then, so time is of the essence. A short discussion followed. 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. Silvestri, to adopt.

Miscellaneous

Ms. Mitten stated that the next city council meeting was Tuesday, January 18 and that is also the date scheduled for our annual dinner meeting and update with the board of governors. The meeting will be at 6:00 p.m. at the hospital.

Mr. Topovski stated that earlier when we were talking about the mowing services, the retention basins were brought up and he had asked many times who was responsible for maintaining those retention basins, the original developer or the people who have them on their property? The reason he asked was that his company was required to put in a retention basin on Brentwood that has never been maintained and looks like a natural forest; that really needs to be addressed. Mr. Gilbert asked if the city owned it; we maintain the ones we have title to. Mr. Sigg stated that in our new subdivision requirements, we are going to propose that in all cases, the city does not take title to retention basins and that a homeowners association has to maintain them. Mr. Topovski stated that this particular retention basin ran across the back of two lots and one lot was maintained and the other was not. The right-of-way had been provided for access. Mr. Sigg said they would check out what the rules were on that.

Mr. Griffin addressed again the issue of the power outage; none of the complaints he received from his neighbors had to do with any negligence on the city's part or any negative comments in that respect. It was just people becoming frustrated with a situation they couldn't control and having no power for seven days wears on a person. He was happy to get the response he received from the police department and the city administration and our neighbors did come together to check on each other and he was impressed with all of that.

Mr. Silvestri thanked Mr. Griffin for the work he did in contacting AEP and bringing that info to council tonight. He had some people contact him as well and he thanked the mayor for everything he did to answer their calls and make things go as smoothly as possible.

Mr. Ulbright thanked Mr. Gilbert and his crew for doing a great job throughout the storm and the frustration certainly was understandable. He thanked everyone involved for their hard work in getting the power restored.

Mr. Buytendyk thanked both Mr. Gilbert's and Chief Thornton's crews and he made a special thanks to Pike Electric out of Asheville, NC who was working on his street at midnight on Christmas Day. Those crews all deserve a special thanks.

Mr. Buytendyk moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 9:25 p.m.

Judith Mitten, President of Council

Sheila Stanley, Clerk of Council