

CITY COUNCIL MINUTES

June 4, 2007

I. ROLL CALL & ORDERING OF AGENDA

President Pro Tem Bob Breneman called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers. The following members were present: Jon Ansel, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Griffin moved, seconded by Mr. Silvestri to approve the minutes of the May 21, 2007 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten reported on the various department/divisions and local activities. She pointed out the city of Wooster is listed in the May issue of the Ohio Magazine and there will be a celebration for this on July 2nd downtown. Also, she was presented a plaque on May 23, 2007 from Wooster Naga, Tamilnadu, India. Twenty-six homes were rebuilt in this town from donations received from a group of citizens from Wooster.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A letter was received from the Wooster City Planning Commission recommending approval of rezoning 32.39 acres from a C-1 (Office and Institutional) District to a C-3 (Community Shopping Center) District for property located on the south side of West Milltown Road, between Commerce Parkway and Oak Hill Road. A special council meeting will be held on July 9th at 5:30 p.m. to act on the rezoning recommendation. According to Ohio law, a public hearing must be held within 60 days after receiving the letter and the hearing must be advertised 30 days prior to it.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The following people spoke to city council regarding the closing of Gasche Street: John Price Carly Jr. (723 E. University St.), D. S. Massaro (729 E. University St.) and Terry Riley (967 Gasche St.)

Mr. Topovski conducted a public hearing on the Petition to Vacate a Public Street, submitted by Norma Booth, 804 E. University Street and the College of Wooster, owners of the property on both sides of Gasche Street between University and Wayne Avenue. Attorney Doug Drushal spoke on behalf of the petitioners explaining that vacating this portion of Gasche Street would allow space for the construction of a physical fitness building at the College of Wooster and also would create additional parking. He also cited poor roadway conditions and storm water runoff problems as other reasons to vacate this section of Gasche. The college conducted a traffic study which showed low usage. Mr. Ulbright questioned the parking issue and if students would in fact park there. Mr. Massaro, Mr. Carly and Mr. Steve Griffin, members of the audience, again voiced their concerns regarding the closure.

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2007-21 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.
(Ansel)

Mr. Ansel indicated this was the third and final reading for this piece of legislation. All members received and reviewed the 2006 amendments to the Codified Ordinances and there were no questions or discussions. Mr. Ansel moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

VII. NEW BUSINESS

1. Informal Resolution - AN EMERGENCY RESOLUTION CALLING FOR THE DEFEAT OF SENATE BILL NUMBER 117 AS INTRODUCED ON THE FLOOR OF THE 127TH OHIO GENERAL ASSEMBLY, WHICH WOULD CREATE A STATE WIDE CABLE FRANCHISING PROCESS, TERMINATING THE ABILITY OF LOCAL COMMUNITIES ACROSS OHIO TO NEGOTIATE CABLE TELEVISION CONTRACTS THAT MEET THEIR INDIVIDUAL COMMUNITY NEEDS AND INTERESTS.

Mr. Breneman stated all members should have received information regarding SB117. Mayor Mitten indicated there are 8 years remaining on the 15 year franchise contract with Clear Picture and urged council to act on the resolution so it could be sent to the state for their hearing on Wednesday. Mr. Ulbright moved, seconded by Ms. Cavin, to adopt. Mr. Ulbright expressed his appreciation for information received and didn't feel SB117 offered any real benefits to residents. Mr. Griffin agreed the city has a good working relationship with Clear Picture but wanted to make it clear that we are not doing away with the competitive environment, we are just protecting our home rule and the rights we have. Mr. Breneman felt SB117 may have some merit but was not very well written and agreed the informal resolution should be approved. Mr. Ansel thanked the administration for making this a priority. Upon voice vote the Informal Resolution passed unanimously.

2. First Reading - ORDINANCE NO. 2007-28 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LIBERTY MARKET PROPERTIES, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman stated Washington Properties of Wooster, Mike Rose and the Coyote Group, Bill Ertos, requested a CRA tax abatement for the renovation of Germania Hall, 146 S. Market Street, currently housing Tomassetti's Pizza. They are requesting 100% abatement for 12 years on \$1,080,000 million of real property improvements that will include extensive interior and exterior renovations and restoration of the original brick façade. Plans indicate a restaurant will be located on the first floor and apartments on the second and third floors. Sixteen full-time and up to 20 part-time jobs will be created. Work is scheduled to begin the first week of July and be completed by March 2008. Wooster Growth Corporation and Wooster School Board both approved the application. Mr. Ulbright expressed his enthusiasm for the thorough restoration of this building and indicated these groups have a great track record for restoring other buildings in the downtown. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

3. First Reading - ORDINANCE NO. 2007-29 AUTHORIZING THE MAYOR TO ENTER INTO A PREANNEXATION AGREEMENT WITH CERTAIN PROPERTY OWNERS FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THOSE PROPERTIES, AND DECLARING AN EMERGENCY. (Ansel)

Mr. Ansel stated this was a follow-up ordinance to a resolution approved at the last council meeting which confirmed city services were available for the proposed Frontz and Fronco II Limited Partnership annexation, located on both sides of Canal Road, just past the railroad tracks. This is the next step in the annexation process before the Wayne County Commissioners hold a public hearing on it. Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Mr. Breneman questioned if the commissioners do not approve the annexation would the ordinance become null and void. Mr. Benson explained the petitioner is asking to hook onto city services in exchange for promising to diligently pursue annexation without having to wait the four month time

period. If the commissioners would deny it, the city would still extend services to them and charge for those services. Upon roll call, motion to adopt carried unanimously.

4. First Reading - **ORDINANCE NO. 2007-30 VACATING A PORTION OF GASCHE STREET,
BETWEEN WAYNE AVENUE AND UNIVERSITY STREET. (Topovski)**

Mr. Topovski stated this is the formal ordinance to vacate the portion of Gasche Street between Wayne Avenue and University, as requested by the College of Wooster and Mrs. Booth, the only two property owners. At the public hearing, earlier in the meeting, concerns from the audience were heard and Mr. Doug Drushal spoke on behalf of the petitioner. Mr. Topovski had questions regarding the right-of-way issues on Gasche Street and the plans to accommodate the underground utilities for the Beall Avenue Streetscape. Mr. Drushal was certain all those concerns had been dealt with and the language in the ordinance addressed that. Mr. Topovski felt the costs to improve that section of Gasche Street would probably be more than the city would want to bear. He stated he was going to hold the ordinance on first reading. Mr. Ulbright felt the comments made by members of the audience were valid but the street is in such poor condition and with no plans to improve it, it would be counterproductive not to close the street. Ms. Cavin stated she heard from a resident about the closing and also, she too is concerned with closing down a north/south street and believes it needs more consideration before voting. Mr. Griffin asked if there were any concerns from the police and fire departments with the closing of the street and Chief Glick stated he did not see it being an issue. Mr. Griffin also questioned if this would set a precedence for other residents closing down their streets in the city. Mr. Breneman had similar concerns and stated he had solicited several residents in the Gasche Street area for their concerns and did not hear back from any of them. He feels consideration should be given to the college in keeping them competitive and growing as they are a very important part of our city.

5. First Reading - **ORDINANCE NO. 2007-31 ESTABLISHING FEES FOR THE ADMINISTRATION OF
TAX INCENTIVE AGREEMENTS. (Breneman)**

Mr. Breneman stated the administration feels the processing fees for tax incentive agreements, set by state law, are too strong for our community and recommend the annual administrative fee for processing CRA and EZ agreements be reduced from \$500.00 to \$50.00, which amount would be deposited into a special fund. Ms. Cavin questioned charging for public records and Mr. Benson explained Wooster Growth is a private not-for-profit corporation and therefore not subject to the same requirements as a governmental entity. The tax incentive review council meets annually to review these matters and determine whether the enterprise is in compliance with terms of the agreement and the city does not feel there is enough time invested by employees to charge the \$500.00 administrative fee. Ms. Cavin also asked if there could be a sliding scale rather than one set fee in relation to the size of the company requesting the abatement. Mr. Sigg stated from a record keeping point of view it didn't cost more to process an application for a larger company vs a smaller one. He indicated there is also a \$750.00 application fee the applicant is required to pay the State. Mayor Mitten thought it important to have a Wooster price we can live with which would cover costs, and if its determined it doesn't, the fee can be readjusted. Mr. Ansel expressed that economic growth is huge to our city and therefore the processing cost is inconsequential and council shouldn't get hung up on it. Mr. Breneman moved, seconded by Silvestri to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

6. First Reading - **RESOLUTION NO. 2007-58 AUTHORIZING THE DIRECTOR OF FINANCE TO
ENTER INTO A TECHNICAL SERVICES CONTRACT WITH SUNGARD BI-TECH,
INC. FOR TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT AND
HUMAN RESOURCES DIVISION SOFTWARE, AND DECLARING AN
EMERGENCY. (Breneman)**

Mr. Breneman stated Sungard Bi-Tech was the company a conference call was held with some time ago regarding the finance and human resource software. The finance director recommended entering into a technical support

contract with Sungard Bi-Tech for software programs and technical support. The cost of the contract is included in the annual appropriation ordinance for 2007. Mr. Dordea stated the city has been using the software since 1999 and are satisfied with it. Mr. Silvestri asked if the contract was for additional technical services or because of the frequency their services were used. Mr. Dordea explained the contract was for software, upgrades and support services to maintain the existing program. Mr. Breneman moved, seconded by Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

7. First Reading - RESOLUTION NO. 2007-59 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2008. (Breneman)

Mr. Breneman stated we are required by law to submit a yearly preliminary annual tax budget to the Wayne County Auditor and if anyone has any questions regarding this or would like to review it, the document is in the finance director's office at city hall. Mr. Dordea sent out a memo explaining the procedure. A public hearing concerning this is set for Monday, June 18th at 7:30 p.m. The resolution remained on first reading.

8. First Reading - RESOLUTION NO. 2007-60 AUTHORIZING THE DIRECTOR OF LAW TO RETAIN OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO A MATTER INVOLVING A CONSTRUCTION CONTRACT, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin reminded everyone of the executive session at a previous meeting regarding the Water Pollution Control Plant upgrade in regard to another matter of on-site construction assistance. This resolution is to retain council so as to protect the city, get the project completed and to avoid litigation. Mr. Breneman asked for any questions and cautioned members about discussing potential litigation. There were no questions. Mr. Griffin moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

VIII. MISCELLANEOUS

Several members of the audience once again spoke about the Gasche Street closing, painting of bridges and rent caps on the renovated downtown apartments.

Mr. Topovski scheduled an Infrastructure Committee meeting for Monday, June 11, 2007 at 5:30 p.m. in the council chambers of City Hall, to discuss future sidewalks.

Mr. Silvestri indicated he had toured the new safety trailer and truck at the Fire Department. He thanked those who worked to obtain the federal grant for the purchase of the trailer, to Kirk Spurgeon of Red Ferris Chevrolet for the donation of the truck and Ken Stiffler of Sign Design for the design work.

Mr. Ulbright thanked the fire and police departments, along with the fire marshal for their quick action on the tragic fire on N. Buckeye Street.

IX. ADJOURNMENT

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

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council