

CITY COUNCIL MINUTES
June 6, 2005

President Judi Mitten called the regular meeting of City Council to order at 7:40 p.m. and upon roll call, members answered present as follows: Breneman, Buytendyk, Cavin, Griffin, Silvestri, Topovski, Ulbright.

Mr. Silvestri moved, seconded by Mr. Griffin, to approve the minutes of the May 16, 2005 minutes as received. Motion carried unanimously.

The clerk read a notice to the legislative authority from the Ohio Div. of Liquor Control for a new C-2 permit for Hawkins at 2312 Akron Road. The C-2 is for wine and certain prepackaged drinks for sale until 1 a.m. Mr. Buytendyk moved, seconded by Mr. Topovski, not to have a hearing. Motion carried unanimously.

Mr. Ulbright stated that on May 25 at 5:30, the infrastructure committee met and discussed identifying gaps in our sidewalk structure on improved streets; replacing sidewalks that were in need of repair and identifying some of those areas; and the improvement of Elm Street with curbs, gutters and storm sewers in that area. We also discussed the E. Milltown Rd. project and ideas for a future committee meeting where we might take the old priority list of streets needing improvement and updating it.

Mr. Griffin stated that in February we had the regional director of AEP here for a public utilities committee meeting regarding power outages related to the ice storm and last night, the wind blew and we lost power again. He had heard today from residents who were without power for 16 hours. The commitment we got from AEP was a more aggressive tree trimming program; he planned to follow up with the administration and Mr. Wheeler and to go back to the drawing board as this wasn't people just losing groceries and being inconvenienced; we have seniors who depend on electricity. For instance, one gentleman was stuck in an electric recliner and it was a good thing that he was scheduled for a visiting nurse that day who was able to help him. It's a very serious issue when people are out of power for this length of time and we need to see what the problem is.

Ordinance No. 2005-20 authorizing the City of Wooster to pick up a portion of the statutorily required contribution to the public employees retirement system of Ohio for administrative and supervisory employees of the city pursuant to I.R.C. Section 414(H)(2), and declaring an emergency was read by title, being on second reading. Mr. Buytendyk stated that instead of raises for administrative staff, this was something the City could provide them at a relatively low cost and at the same time recognize the great service they provide us in making this a great city to live in.

Ms. Cavin stated that she did appreciate the job that this group of people who work for the city does but considering the high rate of salary compared to some people and considering our economic condition, it was a lot easier to swallow the fact that you haven't had a raise since 2000 when you are making \$60,000 than if you don't have any benefits at \$30,000 and have a

family. That said, she didn't wish to take anything away from what they do but she had to consider the people she represented in the first ward whose income levels were pretty low. In addition, at the two elementary schools in her ward, 54% of the students at Lincolnway receive reduced or free lunches and at Cornerstone, its 49%. She would not support this legislation at this time; she felt the timing was poor.

Mr. Sigg explained the reasons that the administration felt this was a reasonable request at this time and also the unions had received increases every year. A lengthy discussion followed; this was left on second reading.

Ordinance No. 2005-21 authorizing the Mayor to enter into an agreement with United Titanium, Inc. for tax abatement, and declaring an emergency was read by title, being on first reading. Mr. Breneman pointed out a correction in the ordinance and that was to change the number of new jobs created from 8 to 10. This is a local company and they have done business here for many years and they wish to expand their operation and planned to spend \$10.4 million dollars on new construction, machinery and equipment with the creation of 10 new jobs over a three-year period. They are asking for an abatement to help in the process of real estate and personal property taxes of 50%, maximum term not to exceed 10 years and they will guarantee to stay in Wooster for an additional year for each year abated. If not, they will return the abated taxes to the city. Mr. Dordea handed out a report of the taxes that would be generated if this project proceeded. Mr. Dordea reviewed the figures. Mr. Breneman moved, seconded by Mr. Buytendyk, 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.

Ordinance No. 2005-22 authorizing the Mayor to enter into an agreement with the Wooster Republican Printing Company for community reinvestment area tax incentives, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was a tax abatement through the community reinvestment area that we established earlier this year. This was the first commercial application that we've received and this will have a major impact on our downtown. They are planning to expand and remodel their offices with a major reconstruction plan. They could have asked for 100% abatement under our rules but were only asking for 50% and they felt more comfortable to stick with that 50% level. The maximum term was not to exceed 12 years and the CRA allowed up to 15 years. This was abatement of real estate taxes only and was a capital investment of \$1.2 million dollars. This shows our support to keep our downtown strong and it was a good step for our community. Mr. Dordea had run the numbers again and reviewed what was handed out to council members. A short discussion followed. Mr. Breneman moved, seconded by Mr. Ulbright, 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. 2005-23 revising the structure of management level employees was read by title, being on first reading. Mr. Breneman explained that this was a bit of cleaning up of some of the positions and reviewed the changes as listed on the attachments to the ordinance. A short discussion followed and Mr. Breneman moved, seconded by Mr. Buytendyk, 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 carried unanimously.

Ordinance No. 2005-24 authorizing the Mayor to execute a pipeline right-of-way agreement with Derby Operating Group of Wooster, Ohio, providing for a natural gas pipeline to traverse city-owned property, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that this was pretty straightforward; this company plans to place a small gas pipeline about 800 ft. across where the city gardens had been located. It was her understanding that this area had been contaminated when the area had been flooded and so could not be used for public gardening for another few years. The city would not be held liable for anything that might happen from running this line through there and the city could get the easement back at any time. Derby would be paying the city \$1 per foot for the easement. Dan Wiles, owner of Derby Operating Group, explained the exact location of the pipeline and their plans for the line. A short discussion followed and Ms. Cavin moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Ms. Cavin moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-25 amending the Annual Appropriation Ordinance was read by title, being on first reading. Mr. Breneman stated that this was \$15,000 being transferred from the Street Construction Maintenance Repair line item in the engineering department and placing it in that same fund in the maintenance division for the purpose of purchasing a motorized chip spreader. This will make the job much simpler and more efficient to achieve. Mr. Breneman moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-52 providing for the Annual Tax Budget for 2006 was read by title, being on first reading. Mr. Breneman stated that this was something we have to submit to the county auditor every June and it lists what we expect our budget to be for 2006. It was a preliminary view of the budget and the hard numbers do not get fixed until we prepare the budget later in the fall of this year. These are anticipated costs and expenses in order to follow the laws. Mr. Dordea stated that this has to be passed on or before July 15 and submitted to the county auditor by the 20th. A public hearing will be held at 7:30 at the next council meeting (also required by law); this will remain on first reading tonight.

Resolution No. 2005-53 authorizing the Mayor to enter into an agreement with R. D. Wiles, Inc. of Wooster, Ohio for leasing city-owned land to form a drilling unit for oil and gas exploration, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that this involved land that was across from the old water treatment plant. It was her understanding that Mr. Wiles needed at least 40 acres to drill a well; we have 14 acres that Mr. Wiles would like to include in those 40 acres. If this well were lucrative, the city would receive royalties from the revenues generated by the gas line. We do reserve the right to use this property at any time in the future.

Mr. Breneman stated that he knew Mr. Wiles who was very reputable and respected in the industry; he was pleased that he was representing this group and he had no reservations in

dealing with that group. He would ask that we leave this on first reading; when you get into an oil and gas lease, you're getting into a lot more than a pipe line right-of-way and we need to consider what we're getting into. There are different lease languages and the good thing is that they want to utilize our mineral rights with no restrictions on surface rights, which means they won't utilize any of the surface of the ground for drilling purposes. Mr. Breneman reviewed some of the things he felt we should consider. A short discussion followed.

Resolution No. 2005-54 authorizing the Mayor to accept and apply grant monies from the Ohio Office of Criminal Justice Services, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that on May 2 of this year, we unanimously passed Resolution 2005-43 and this piece of legislation was to authorize an estimated total cost of \$27,080 for a radio upgrades for our law enforcement officials. We have received this grant and we ended up spending less money and we are getting about \$23,000 back. Chief Thornton stated that this resolution would give us \$23,000 for the purchase of radios and for the purchase of the next item on the agenda (the transmitter/repeater). Ultimately, we're going to spend roughly \$37,000 but will receive \$23,000 of it back so instead of spending \$27,000 just for walkie-talkies, we're going to spend \$14,000 and get everything we need in updating our communications. Mr. Silvestri moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-55 authorizing the Director of Administration to enter into a sole source contract with Boylan & Cannon Electronics, Inc. for the purchase of a transmitter/repeater for the Police Division, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that one of the things we spoke about back on May 2 was the interference that we're experiencing with officers in trying to communicate in certain areas of the city. The transmission is very poor in certain areas of the city and it was his understanding that this transmitter/repeater will help to give us a better reception. Mr. Silvestri moved, seconded by Mr. Ulbright, 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. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-56 authorizing the Director of Administration to enter into a professional services contract with Stacey L. Thomas, CPA, MBA for accounting services, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that the finance department had been getting leaner in the past few months and years; people have left who have not been replaced. Stacey Thomas had worked for the city in the finance department in the past and has been very instrumental in putting together the CAFR and other number crunching within that department. She has been with the city for 10+ years and left on maternity leave and was now being utilized on a part-time basis by the finance department to help them bridge the gap. This was saving the city money by using Stacey in a temporary position and was working out for her as well. There is a limit that can be spent without council approval but were getting close to that limit, so they would like to continue the arrangement and therefore, asking to approve up to \$40,000 for this position, utilizing her knowledge and history with the department. Mr. Dordea stated that it wasn't long ago that there were five managers in our department and today that number is two and as of September, that number will be down to one when Keith Boyle retires.

There are times when we need Stacey's experience; one of her strong points is that she was on the procurement team and the set-up team for the finance software. We use her for special projects and her knowledge transfers to the younger employees who haven't been with the city very long. A short discussion followed. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-57 declaring it necessary to improve 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. Ulbright stated that this was the next phase in our improvement of E. Milltown Road; Mr. Ulbright reviewed pertinent sections of the legislation explaining the scope of the project and how assessments were figured and how they would be levied. Mr. Montgomery stated that this was the same project that council voted to approve the updating of the plans and also to accept the Issue II grant of \$300,000 and a zero interest loan of \$200,000 for a total of \$500,000 from the Ohio Public Works Commission State Issue II program. President Mitten asked if there was a timeframe to use these funds. Mr. Montgomery stated that we had to give them an estimated schedule and basically, we are to be under construction within three months of being notified of the award of the grant. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes. Mr. Ulbright moved, seconded by Mr. Buytendyk, to approve. A short discussion followed and upon roll call, motion to adopt carried unanimously as follows: Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes.

Miscellaneous

Ms. Cavin stated that she would not be present at the next meeting and at the risk of upsetting certain members of the administration which wasn't her intention, she wished to point out to everyone here that last spring the Wooster Fire Department did voluntarily open up their contract to re-negotiation because of the economic news of Rubbermaid leaving Wooster. She believed that they ended up taking a raise later that they could have retained had they not done that. She urged everyone to look very closely at this 17 ½% total contribution to the retirement plan. We have some very fine employees who are doing an excellent job but considering the financial circumstance, she would have to say again that the timing was wrong for this.

Mr. Topovski stated that he received a call last night from a man living on the lower end of Kieffer Street (where it was improved) and asked whether his concrete street could be repaired without using asphalted. He had noticed that some of the other concrete streets such as Normandy were being repaired as such. He was concerned about the overall value of his home if the street were asphalt rather than concrete. Mayor Howey said that Normandy was so bad that it

couldn't be paved over so we had to re-concrete it. He didn't know what the situation was on Kieffer Street. Mr. Topovski thought this gentleman was talking more about repairing cracks and divots with asphalt, which he felt distracted from the appearance of the street. Mayor Howey said he had the same problem in front of his house.

Mr. Griffin asked when the baby pool at Freedlander Park would be reopened? Mr. Sigg said it had sprung a leak and was being repaired. Mr. Griffin stated that he tried to buy a pool pass at Freedlander Park and found that you could not buy a membership at the pool, which was hard to explain to your family on a 90-degree day. What was the reason for that? Mr. Sigg said that it's a matter of logistics, we don't have the amount of software and hardware necessary at the pools to process passes and we have a limited amount of money that the summer staff handles.

Mr. Silvestri said he had received several inquires from people wondering when they were getting their water/sewer bills. Mr. Dordea said they would be mailed out this week; the plan was to mail out their March bill and then send a bill every three weeks until we get caught up. Mr. Silvestri stated that he, too, would be out of town and unable to attend the June 20 meeting.

President Mitten stated in light of the fact that there will be three members of council who will be absent on June 20, she had emailed all the members for their schedules and would like to set a special meeting for June 27 at 5:30 p.m.

Mr. Ulbright stated that he was looking forward to the administration preparing a resolution of necessity so that we can proceed with closing the gaps on the N. Bever Street area sidewalk. We'd like to start some place this year and it would also alert the residents that this would be an ongoing project. Mr. Ulbright said that he would be scheduling a meeting that would involve teachers from the WC Career Center and would bring Cable Channel 9 into the discussion to see what they might wish to contribute to the entire production of broadcasting our meetings.

Mr. Breneman stated that by passing the two tax abatements this evening, we sent a very clear and strong message from council that we are business friendly in our community and want to encourage businesses to look at our community and to be a part of and grow in our community. Mr. Breneman stated that due to family commitments, he would be absent from the next meeting. Mr. Breneman asked Mr. Griffin if he would chair the public hearing on the tax budget, which was scheduled for the next meeting. Mr. Griffin agreed.

Mr. Buytendyk moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 10:20 p.m.

Judith K. Mitten
President of Council

Sheila Stanley
Clerk of Council