

CITY COUNCIL MINUTES  
March 19, 2007

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

Mr. Ansell moved, seconded by Mr. Griffin, to approve the March 5, 2007 minutes as received. Motion carried.

The following people signed in to speak to council: Erwin Riedner, 904 Forest Drive (street lighting/council decorum); Shirley Badger-Miller, 6318 Hoffman Rd. (water tower); Gene Vaubel, 330 E. Highland Ave. (sidewalks on Highland); Jim Collier, 2482 Townsend Dr. (Kiwanis Playground).

Mr. Topovski reviewed the topics of discussion at the Public Infrastructure committee meeting held March 12.

Mr. Griffin stated that earlier this evening at 6:30 p.m. a Public Utilities committee meeting was held and discussion focused on the watertower location in the north end.

Mr. Ansell called to order a public hearing regarding the zoning of 19.411 acres to a C-5 District for property being petitioned for annexation located at the convergence of State Route 250 (East) and 83 (South). The plan was to annex the land and to zone the property C-5 for commercial development. There was no public input and Mr. Ansell closed the public hearing.

Ordinance No. 2007-9 providing for the erection and maintenance of a street light at the intersection of Oak Hill and Milltown Roads in Wayne Township, and appropriating funds therefore was read by title, being on third reading. Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Mr. Ulbright stated that because he has received comments or questions about the type of light being proposed, he wished to clarify that this would simply be a white street light to illuminate this intersection (not a flashing light or traffic light). Mr. Ulbright has expounded on the many reasons he felt a light at this intersection was justified but he had received a couple other arguments in favor of the light and that was the increase in traffic surrounding Wooster High School and the traffic generated by all the functions at the high school. Another was the brand new church that sits on the west side of Oak Hill and has a very large congregation and it contributes to the traffic on Oak Hill. Also along Oak Hill is the Noble Ice Arena that brings increasing amounts of traffic. Mr. Ulbright stated that he could appreciate the comments made by his fellow council colleagues regarding opening "Pandora's Box" if we make this exception, but he felt this was a special case. He also looked at some other intersections just outside the city and found that the intersection of Highland and Mechanicsburg was also very dark and could use some illumination. A lengthy discussion followed and council members expressed their concerns and reasons for voting as follows. Upon roll call, motion to adopt carried by a 4-3 vote as follows: Ansell-yes; Breneman-no; Cavin-yes; Griffin-no; Silvestri-no; Topovski-yes; Ulbright-yes.

Resolution No. 2007-33 accepting the recommendations of the Wooster Tax Incentive Review Council with respect to existing Enterprise Zone and Community Reinvestment Act Agreements,

and declaring an emergency was read by title, being on third reading. Mr. Breneman moved, seconded by Mr. Ansell, to adopt. Mr. Breneman stated that we have discussed this at great length; when you have an enterprise zone, you are required by state law to have a TIRC to make recommendations to the governing body for the jurisdiction. City council has the choice then to accept, reject or modify those recommendations. The recommendations are listed on the back of the resolution and have been reviewed by council and they recommend continuing all of the enterprise zone and CRA agreements and to amend two – Techni Graphics and United Titanium – mainly because those two industries invested more money in their projects than originally declared. Mr. Sigg wrote a very well-written memo dated March 12 to council summing up the two amendments that the intent was to maintain the integrity of the original agreement and agreed-upon percentage abatement. Mr. Breneman asked that council adopt this; he could see no reason not to continue these agreements as submitted by the TIRC. A short discussion followed and upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-11 authorizing the purchase of real estate, and declaring an emergency was read by title, being on second reading. Mr. Griffin stated that this would remain on second reading; this was discussed at our public utilities committee meeting held earlier tonight and attended by most council members. We received detailed information from city engineer, Joel Montgomery. Mr. Griffin summarized the information provided and discussed at the committee meeting and how and why this site was chosen. Mr. Montgomery had identified eight sites based on the topography and the north pressure zone where a water tower could be placed but this was the only site presently that we have negotiations to purchase and to place a 150 ft. high water tower. A short discussion followed.

Ordinance No. 2007-12 authorizing the Mayor to enter into an amended agreement with Techni-Graphic Systems, Inc. for tax abatement, and declaring an emergency was read by title, being on second reading. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion failed as follows: Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-no; Ulbright-no; Ansell-yes; Breneman-yes. Mr. Breneman stated that he wished to move this forward as it was a moot point as we passed Resolution 2007-33 accepting the TIRC recommendations for this amended agreement and by doing that, we now need to make that law with this legislation. Please refer to your memo from Mr. Sigg that states that “each EZ agreement is a legally binding contract between the city and the business and if the recommendations propose a material modification and such recommendation is accepted by council, additional legislation specifically authorizing the change is required. The resolution accepting the report of the TIRC is not sufficient authorization for the administration to amend the contract, thus we brought forward Ordinances 2007-12 and 2007-13.” Mr. Gorman, representing Techni-Graphics, stated that the company certainly appreciated all the assistance the city had provided in the past several years. The company has grown substantially; it has constructed a new building and owns property in the section it’s located in that we hope will become an industrial park. We think this is a win-win situation; there has been significant job growth in the past year and a half and the EZ agreement requires that the job growth be completed within 36 months of occupancy of the new building or by June, 2008. Techni-Graphics was earlier this year awarded a top secret security clearance which will enable them to bid on a whole new level of work and part of the new building here in Wooster has a section completely devoted to that work so the opportunity is there for additional jobs to come to the city. They currently have offices in 16 states and they’ve diversified over the past few years where they are not overly dependent on a single federal government contract; they want to remain in this area for a long time. They have acquired some technologies and businesses

that appeal to the private sector as well and that's good news as you don't want to have all your eggs in one basket and they're looking ahead to the private side of the business which they have decided to headquarter here in Wooster and was called product lifecycle management. The company is showing its good faith and is a good corporate citizen in many ways and we appreciate your continued support.

Ordinance No. 2007-13 authorizing the Mayor to enter into an amended agreement with United Titanium, Inc., for tax abatement, and declaring an emergency was read by title, being on second reading. Mr. Breneman moved, seconded by Mr. Ansell, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Mr. Breneman stated that again this goes back to the United Titanium investing more money into their operation than what they originally predicted which was a very good thing. We dealt with this in passing the TIRC legislation, so essentially, this substantiates a legal contract. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-36 authorizing the Mayor to submit an application to the State of Ohio Department of Development for a Small Cities Community Development Block Grant for a Community Housing Improvement Program (CHIP), and upon approval, to accept and apply such funds, and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that the two public hearings had been held, one on February 26 and one on March 12 as required by ODOD. According to Mr. Starlin, there was no public input at the hearings. This has been a very good community housing improvement program for us, helping medium to low income people to achieve housing needs and necessary renovations and improvements. 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 Ms. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-14 amending Chapter 1325, Heating and Ventilating Code, of the Codified Ordinances of the City of Wooster, Ohio, by the adoption of regulations pertaining to solid fuel-fired outdoor heating devices was read by title, being on first reading. Mr. Ansell stated that we've spent a lot of time as a committee and council as a whole reviewing this controversial issue; it's been nearly a year in finalizing what we feel is an effective fair and reasonable ordinance that will govern the operation of these proposed units. We had an earlier preliminary proposal with a minimum setback of 100 ft. which was unanimously defeated on council floor, so we went back to the drawing board, referenced similar laws with such ordinances within the state and the country and feel we have a workable ordinance prepared. To summarize, we have proposed a 300 ft. setback with a chimney stack height 3 ft. higher than the peak of the highest nearest residential structure. We have allowed a grace period to reduce the economic impact of the one unit existing within the city and tried to reach a pay back justification compromise where the owners of this unit would not experience a significant financial penalty associated with this investment. The grace period established is five years, so five years from the establishment of this ordinance, if they can't meet the compliance guidelines, they will have to remove that unit. A short discussion followed and Mr. Ansell moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansell moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-15 providing for the issuance and sale of \$1,000,000 Notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the cost of improving Beall Avenue

from Liberty Street to Bloomington Avenue by grading, draining, widening, paving, constructing and rehabilitating sidewalks, driveway approaches, curbs and ramps, including provision of decorative street and sidewalk designs and materials and appurtenant street and sidewalk furnishings, installing walkway style lighting facilities and necessary appurtenances thereto, including the installation of underground wiring, relocating overhead cables, wires, and appurtenant equipment underground, constructing storm sewers, sanitary sewers, water mains, service connections and utility modifications and installing and relocating catch basins, manholes and hydrants, as required, constructing retaining walls, planting shade trees and providing related landscaping, and installing street and traffic control signs, signals and devices, all in certain designated locations, 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. Breneman stated that last year around this same time, we passed an ordinance to provide notes in anticipation of bonds to proceed with our Beall Avenue Streetscape project from Liberty to Bloomington. That is in process and the wheels are turning and our engineering department has been working with AEP and working to acquire rights-of-way, doing design work, etc. We need a way to pay for these services as we proceed and once this is all in place, we will let bonds to pay for these improvements. The note we did at this time last year is now coming due, so if we don't have something else in place by April 20, we will have no funding to continue this project. Mr. Breneman moved, seconded by Mr. Ansell, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Ulbright-yes; Ansell-yes; Breneman-yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes. Mr. Breneman moved, seconded by Ms. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously as follows: Ulbright-yes; Ansell-yes; Breneman-yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes.

Ordinance No. 2007-16 amending Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, Ohio, so as to zone newly-annexed land (19.411 acres) to a C-5 (Planned Business) District for property located on the south side of Dover Road (SR 250), between Dover Road and Millersburg Road (SR 83) was read by title, being on first reading. Mr. Ansell stated that this would remain on first reading this evening and coincides with the public hearing we had earlier regarding the soon to be annexed 19.411 acres at the convergence of Route 250/83 and would be zoned C-5 to promote the development of that parcel.

Ordinance No. 2007-17 accepting the gift of a playground to be erected at Jaycee Park by the Kiwanis Club of Wooster, and designated the Kiwanis-Jaycee Park Playground, and declaring an emergency was read by title, being on first reading. Ms. Cavin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Ms. Cavin moved, seconded by Mr. Silvestri, to adopt. Ms. Cavin stated that as Mr. Collier explained earlier, the Kiwanis Club generously again has offered to construct a playground in one of our public parks. Jaycee Park is located just south of college, south of University in the block between Spink and Gasche, north of Stibbs. It's a nice convenient small neighborhood park for the children in that area, and it could use some upgraded playground equipment. We can't thank Kiwanis enough for their generous donations over the years. Mr. Malta stated that he had provided council members with a packet of information and in that packet were pictures of what the park looks like now and what the new playground would look like. Kiwanis is ready to fund this playground, which was playground project #6 for them in our city. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-40 authorizing the Director of Administration to enter into a contract with State Electrical Engineering of Canton, Ohio for the design of an emergency generator system for the municipal building and fire station #1, and declaring an emergency was read by title, being on first reading. Mr. Ulbright stated that we were all provided with a corrected copy of this resolution with a new Section 2 (which Mr. Ulbright read). That was the only change from the original resolution in our packets. Mr. Ulbright stated that he had spoken with Mr. Monea this afternoon and he explained that his department was looking at a design for an emergency generator system for both the municipal building and fire station #1 and the original plan was to have this fall below \$15,000; however, it fell between \$15,000 - \$25,000. The reason for that was that the wiring at the fire station was old and needs to be brought up to code so that kicked the price up to about \$17,000. Because of the familiarity of the department and this particular company of Canton, they were chosen to design the system for both buildings. Mr. Ulbright moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-41 declaring the necessity of constructing sidewalks and curb ramps on portions of East Highland Avenue, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that our committee decided, in order again to fill in the gaps for sidewalks, to look at this particular strip of sidewalk on E. Highland from Graustark to Burbank Road. This was done with last year's budget money, so the funds were encumbered and ready to be used for this project. This area was chosen because it's in close proximity to a school (Edgewood Jr High). There is approximately 751 feet and the assessable portion (98% of the cost would be \$24,350.92) at a rough front foot cost of \$32.42 per foot. There were three ways for property owners to pay for this; they can pay the full cost at the completion of the project; they can hire their own contractor to put the sidewalk in according to city specifications; or it can be assessed to the property taxes and paid over a 15 year period. The property assessments here would be a little more than the last sidewalk project that we did on Bever/Quinby due to the smaller lot widths in that area of town. However, the front foot cost was approximately the same. Mr. Ulbright stated that he felt one thing that could be repeated was that this was an ongoing project, starting with the Quinby/N. Bever area but Council has committed itself to filling the gaps and this was the second project of many to come where there were improved streets without sidewalks. He wished to commend Mr. Topovski and his committee for continuing to pursue this and it's something that's important from the standpoint of safety and also the increase in value to the properties because of having that sidewalk.

### Miscellaneous

Mr. Ansell complemented the boy scouts in the audience from Troop #61 for their patience and dedication this evening in attending this public meeting.

Mr. Griffin stated that he had received a letter from Commissioner Scott Wiggam regarding the junk yard in the front yard of the house on the north side of Portage just east of Melrose (we've had several complaints about this house across from Kmart). Mr. Wiggam stated that the county health department had cited the property and were going through the proper legal channels and hopefully, we'll see some resolution to that problem.

Mr. Breneman stated that council members should have received an email from Mr. Benson about a conversation he was having with our council president about the purchase of some pins for the bi-centennial. Mr. Benson speaks to the issue of council members asking for the preparation of legislation and it takes a long time to prepare a piece of legislation and a lot of times they don't come to light on council floor. Essentially, they set a policy that if legislation is to be prepared, it should first go through our committee system, make sure there's a consensus of at least three of us who wish to have the legislation prepared by Mr. Benson. Mr. Breneman further quoted Mr. Benson's memo in reference to taking this issue of the expenditure of council budget to a committee meeting. As finance chair, Mr. Breneman felt that was a good recommendation to discuss the expenditure of council dollars to make sure we have a policy in place as far as how those dollars are to be expended and whose call they are and whether you need a majority vote of council members to have that happen. We also need to discuss our finances through February 28 of this year and Mr. Dordea had furnished a spreadsheet showing revenues and expenditures to that point and he was happy to say that we're doing a little better than we thought we would be. Mr. Breneman scheduled a finance committee meeting for April 2, 2007 at 6:30 p.m. prior to the council meeting.

Mr. Griffin moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 9:35 p.m.

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Judith Mitten  
President of Council

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Sheila Stanley  
Clerk of Council