

CITY COUNCIL MINUTES
March 5, 2007

President 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, Griffith, Silvestri, Topovski, Ulbright.

Mr. Silvestri made a correction on the last page of the minutes, the sentence stating - Mr. Silvestri stated that he too wasn't very comfortable with "knowing" who the entities were. . . Change to "not knowing" who the entities were. . . Mr. Silvestri moved, seconded by Mr. Breneman, to approve the minutes of the February 20, 2007 meeting as corrected. Motion carried.

Mr. Topovski scheduled an Infrastructure Committee meeting for Monday, March 12 at 5:30 p.m. here in council chambers.

Mr. Ansel scheduled a Laws & Ordinances Committee meeting for Tuesday, March 13 at 5:30 p.m. here in council chambers.

Note from the Clerk: Due to the lengthy meeting, the minutes are greatly condensed. The meeting tape and DVD are available for public review, if requested. Ordinance No. 2007-4 amending the Enterprise Zone Policy re-adopted in Ordinance No. 1999-9 was read by title, being on third reading. Mr. Ansel moved, seconded by Mr. Breneman, to adopt. Mr. Ansel stated that we have worked collectively in a bi-partisan fashion for over nine months now coming up with what we feel is a model for other state municipalities to follow in terms of their enterprise zone guidelines with particular emphasis on the expedited guidelines criteria. Mr. Ansel thanked everyone for their valuable input and also for the Chamber and WEDC support; we tried to satisfy all parties involved to come up with a compliance document for effective use in the future. Council members commended the Laws & Ordinances committee for their hard work in coming up with this policy and felt it was a positive amendment. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-30 authorizing the Director of Administration to enter into a technical services contract with SunGard Bi Tech, LLC of Chico, CA for application service provider ("ASP") services, and declaring an emergency was read by title, being on third reading. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Mr. Breneman stated that he was happy that this legislation had three readings; the time had allowed council members to ask questions and learn more about this company as the issue evolved and it helped us in our understanding of how this would work. The finance department focused in and answered questions as to why they wished to utilize this service. He was comfortable with moving this forward; he felt there were protective measures in place for our data. When talking with SunGard during our conference call, they felt the worst case scenario would be a loss of 72 hours of data if an emergency did occur. Mr. Ansel felt that the teleconference was certainly very productive and this

company was the provider of our software package so it does make sense but there should be some trepidation or caution because there were 42 clients serviced by this company with similar applications and of those, less than 50 customers, there were very few cities/municipalities. They service libraries and educational institutions; however, we must trust the technical recommendations of our city administrators and managers to have that comfort level prior to proceeding with the knowledge of the risk factors involved. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-5 adopting a Hazards Mitigation Plan for the City of Wooster was read by title, being on second reading. Mr. Silvestri moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Ansel, to adopt. Mr. Silvestri stated that he had a copy of the Wayne County All Hazards Mitigation Plan available for anyone who would like to review it. He was very impressed with the layout of the whole plan; there's a high level of details, from regular thunderstorms and lightning risks to damages of property or persons and the risks assessed there and even mitigation losses and plans to minimize damages and mitigation. There are very well thought out goals for the Wayne County plan and he was happy to see that even though this comes as a result of a federal mandate, that they do realize in their goals that hazards mitigation did rest on local entities. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2007-8 amending Chapter 161 of the Codified Ordinances of the City of Wooster, Ohio by the enactment of a new section 161.07, Accounts Receivable Management Committee, was read by title, being on second reading. Mr. Ansel thanked Mr. Dordea for his memo to council addressing some of their concerns from the last meeting. Mr. Ansel reviewed some of the issues of concern and how they were resolved. A lengthy discussion followed. Mr. Ansel moved, seconded by Mr. Silvestri, to amend the ordinance as submitted. Upon roll call, motion to adopt carried unanimously. Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ansel moved, seconded by Mr. Griffin, to adopt the ordinance as amended. Upon roll call, motion to adopt carried by a 6-1 vote; Ms. Cavin casting the negative vote.

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 first reading. Mr. Ulbright stated that he had spoken with Mr. Topovski who has scheduled an Infrastructure Committee meeting and one of the topics will be this ordinance and establishing some criteria for this type of issue in the future. Mr. Griffin stated that he felt this would open a can of worms and that city services should be contained within the city limits; it's a good rule and once it starts to erode, where will it stop. Mr. Breneman's concerns align with Mr. Griffin's; extending services outside the city limits can be a huge problem; once you open that door a crack, how do you deny someone else coming forward with the same type of request. He didn't think it was a bad idea to light that intersection but where else might that apply and his first thought was Friendsville Road/Smithville Western where there have been fatalities. Mr. Topovski stated that it was important to realize that we are not proposed to extend a

city service, as in water or sewer, but to provide a service and he felt that was different. We aren't actually extending a utility.

Ordinance No. 2007-10 amending Chapter 925, Storm Drainage, of the Codified Ordinances of the City of Wooster, Ohio; and repealing Chapter 907, Erosion and Storm Runoff Controls was read by title, being on second reading. Mr. Ansel stated that this was a technical and rather complex ordinance; he spoke to Mr. Montgomery and had asked him to give council a cliff notes summary of the changes which we have in the form of a memo. These are in compliance with EPA guidelines and mandates. We're taking a 1979 document and putting a "fuel-injection on a carbureted vehicle." We are in non-compliance and we don't have the proper guidelines, procedures and ordinances in place to comply with the EPA guidelines and with the approval of this ordinance, we will. Mr. Silvestri thanked Mr. Montgomery for the informative memo; he was excited about this ordinance as he receives many calls from homeowners in his section of the city who suffer greatly from storm water runoff problems. Mr. Ansel moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

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, an declaring an emergency was read by title, being on second reading. Mr. Breneman stated that Ms. Cavin had asked that he leave this on second reading in order to do more investigation on her part. We do have to pass this within 60 days after receipt of the recommendations from the TIRC, so we are within our rights to leave this on second reading. This was a compliance issue; when we enter into enterprise zone agreements, we must have a review committee (the TIRC) who have reviewed all our EZ and CRA agreements currently in place and have recommended continuing all of them. There were two that were amended and were a part of new business on tonight's agenda. The companies involved have gone above and beyond what they originally had planned. Everyone should have received a copy of the minutes from the February 6 TIRC meeting. A lengthy discussion followed regarding the recommendations for additional abatements.

Ordinance No. 2007-11 authorizing the purchase of real estate, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that we all received a memo from Joel Montgomery explaining this request. The opportunity and need have aligned themselves here, need being the identified need of water capacity in our north end water flow zone. Presently, we have 250,000 gallons capacity in the water tower located near Buehlers Milltown and the EPA requires us to maintain at least one day of storage and usage area. The current water demand in the north end's high zone was approximately 500,000 gallons a day so presently; we're only half of that capacity. This was an EPA mandate but it was a good one as it protects us and our citizens. The area in question was identified since the early 1990's as a good spot for our next water tower in the north end zone. It would be a 500,000 gallon water tank and would tie into a 12" water line on Schellin Road as shown on the map provided to us. Mr. Montgomery would like to complete the design of this water tower this year with plans to begin

construction in the spring of 2008. A short discussion followed and this was left on second reading.

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 first reading. Mr. Breneman stated that this would remain on first reading; this does tie in with the TIRC issue we discussed earlier. The Techni-Graphic tax abatement was for \$4 million dollars in new construction and \$500,000 for the purchase of new machinery and equipment. The actual amount of investment was \$4,490,161 for new construction and \$1,083,877 for the purchase of new machinery and equipment or an actual total amount of \$5,574,038. That's an additional investment by this company of \$1,074,038 and that is encouraging. This is the reason for the amendment to EZ agreement approved by the TIRC.

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 first reading. Mr. Breneman stated that this, too, would remain on first reading and again, goes along with the TIRC discussion we had earlier. Originally, United Titanium's original project called for \$5.5 million dollar investment for the purchase of new machinery and equipment; whereas, the actual investment made by United Titanium was \$8,801,624, an additional investment of \$3,301,624. This company has been a great business in our community and they are growing and have expended additional funds to improve their operation and that's all positive. A short discussion followed.

Resolution No. 2007-34 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for milling various streets, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that as we all remember, council has approved the purchase of asphalt and concrete for repairing the city streets for the coming year and you were all provided with the 2007 paving schedule. Quite often, it's necessary to mill down these streets in order to accept the new pavement and this legislation was to provide funding to contract for this work to be done. The local firm that has done this for us in the past is line to do it this year; there's not many contractors locally who do this kind of work. 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. 2007-35 authorizing the Director of Finance to issue a refund to Verizon, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that Verizon essentially overpaid their bill for the placement of their transmission facilities located on our Winter Street water tower. They pay an annual lease fee and there was an accounting error; they overpaid the lease fee and found this error and requested a refund in the amount of the overpayment. Our finance department verified the overpayment and we need to authorize this reimbursement in the amount of \$45,600 from the unappropriated balance in the Water Fund. A short discussion followed and Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and

final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Ulbright, to approve. 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 first reading. Mr. Breneman asked that this remain on first reading this evening because we are required to have two public hearings, one of which was held on February 26; however, the second public hearing was not scheduled until March 12. This legislation would authorize the city to apply for CHIP funding which we have been a part of the program for about five years. This funding allows assistance to low and moderate income households for housing needs. Wayne Metropolitan Housing Authority administers the program and it has been very beneficial to our citizens. The application must be filed by April 5, so we will ask for approval at our next meeting. President Mitten asked Mr. Breneman to advise the public of the location, date and time of the second public hearing. Mr. Breneman stated that it was to be held March 12 here in council chambers but he wasn't sure of the time. Mr. Sigg stated that we also advise the local service agencies of the dates and times of the public hearings.

Resolution No. 2007-37 authorizing the Director of Administration to enter into a contract with ATS Engineering, Inc. of West Chester, Ohio for professional engineering services related to systems integration services for the Water Pollution Control Plant, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that in the interests of avoiding redundancy and because of the technical nature of this, he asked that Mr. Borton explain this request. Mr. Borton stated that this was another step in the Water Pollution Control Plant upgrade. This engineering firm has designed the plant, has seen the plant through its construction phases and we're starting to see some light at the end of the tunnel in getting some of these new processors up and running. ATS also initially approached us about being the programmer for the automation part of the plant and what you now see was the request to assign that contract and move forward with the programming, installation and integration of the skata system. Mr. Borton further elaborated on what this involved (referring to the color brochure distributed to council). Mr. Borton stated that the money was a budgeted amount in the WPC fund established back in 2005. A short question and answer session followed. Mr. Griffin moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried by a 6-1 vote; Mr. Silvestri casting the negative vote.

Resolution No. 2007-38 authorizing the Director of Administration to purchase items of specialized technology for the Water Pollution Control Plant, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that similarly to the last resolution; this was a budgeted expense in the amount of \$260,000. We are working towards an automated plant and part of that requires higher security measures; vandalism was one thing but we must also work towards protecting our water supply for our citizens

from acts which may be much more serious than juvenile vandalism. There's a detailed estimated line item cost attached to the legislation which breaks down the expenditures. Mr. Borton stated that this expense was broken down between seven vendors and they were lumped together as part of this as they related to the same issue; however, different vendors provide different parts of the system. They are also specialized technology vendors some of which we have already incorporated at city hall (door lock system). Mr. Borton further elaborated on these vendors and their specific specialty. A short discussion followed. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2007-39 authorizing the Director of Administration to enter into contracts for specialized technology for server and infrastructure support services for the Information Technology Division, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was a budgeted item in the IT division's 2007 budget and was to enter into two contracts for specialized technology for server and network infrastructure support services. Our existing maintenance contract is nearly expired and this is a necessary contract to keep our system running efficiently. Mr. Breneman moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

President Mitten thanked Chief Steve Glick for staying for the entire meeting; we usually do not have meetings run this late but we did have 16 pieces of legislation. Ms. Mitten appointed Chief Glick Sergeant of Arms as his predecessor held that title and she would like to make it official so welcome aboard. Another issue she wished to talk about was a section of the Charter. Mr. Benson once commented that the charter was what we work by; the charter was the rules and regulations of this city and was first passed by a commission that placed it on the ballot in 1971. There have been four groups of people who have reviewed and amended this charter; the mayor appoints the commission members and the very last charter commission was appointed by Mayor Howey. Mayor Howey had some things he wanted taken out of the charter, which he did. Other things weren't changed one of them being some of council's rules and regulations because in the charter government, we have Council in Article 2 and the Mayor's responsibilities in Article 3. She wished to point everyone's attention to Section 2.05, Organization, which states "At the first council meeting in January following a regular municipal election, council shall organize itself and elect from its membership a president protem and in addition, council shall appoint a clerk and any other employee it may deem necessary, fix their duties, bond and compensation. A council member serving as president protem shall not be deprived of his power of voting as a member of council." Ms. Mitten stated she brought this up as she received a copy of a letter from Sheila Stanley, our clerk of council, stating that her last day of work is April 20. Ms. Mitten felt that city council needs to appoint their own clerk of council. Historically, the administrative assistant to the mayor has served as clerk of council. We have separation of powers between the

mayor and city council and she really felt it was time for city council to hire their own clerk. We have internet connections, we have computers and other communities do this. At the present time, the law office prepares the agenda and his administrative assistant prepares the legislation so at this time, she wished to appoint a personnel committee of Jon Ansel, Keith Topovski and herself to review this and to advertise for a clerk of council.

Mr. Ulbright referred to the economic development organizational matrix received in the packets developed by Rod Crider, Mike Lezak and Mr. Sigg. Mr. Ulbright assumed it was put in council packets to examine it, study it and possibly suggest some refinements, additions or deletions. He didn't know of any other reason for giving this to council other than to gain their input. If that's true, he was curious under Public Policy, under Chamber Role, he saw "candidate recruitment support." Mr. Ulbright recalled in 2005 having a heated discussion regarding the assignment of bed taxes when the chamber announced they were going to recruit candidates and endorse political candidates and he was one of the people who raised that concern when talking about doling out public monies. We were all assured by the chamber that this wasn't the case; that's the chamber PAC; the chamber wasn't involved in that and that the two entities were separate and the bed tax monies would in no way go to the PAC. Yet, from this matrix, it states this under the chamber role, not the chamber PAC. So that was disturbing to him. He assumed that the Democratic and Republican Parties are still in the business of recruiting candidates and support of candidates.

Another issue Mr. Ulbright wished to mention was that there had been a retirement festivity for our retiring police chief, Steve Thornton, and certain members of council were invited and other were not; he being one who was not invited. He had contacted Steve Thornton and planned to have a personal get together to extend personally to him his congratulations and thanks for long years of fine service to this community.

Mr. Griffin scheduled a Public Utilities committee meeting on March 19 at 6:30 p.m. prior to the regular city council meeting. Mr. Griffin commented to Ms. Mitten that she apparently had a disagreement with Mayor Howey based on his memo that we received tonight regarding the clerk position. Without getting into the details of the budget and so forth, he found it completely unprofessional and inappropriate to bring this up tonight on a night when our mayor is sick and all we have from him is this memo. It could have waited; there's no emergency to this and he was offended that it was raised without the mayor being here to speak his side of the issue. Based on his respect for the mayor and his friendship with him, he thought it was out of line.

Mr. Topovski wasn't contacted either to attend the chief's retirement party and was also offended to find out there was a gathering where some council were asked to attend and others were not. It had been called to his attention that the lot on Cleveland Road that council had authorized Wooster Growth Corporation to market for the city had been sold. He asked where those funds were deposited or whose coffers they were deposited into. Also, Mr. Topovski asked the clerk to notify Commissioner Scott Wiggam of the

infrastructure committee meeting scheduled for next Monday to discuss the light at the intersection of Oak Hill and Milltown Road.

Ms. Cavin stated that she wasn't invited to the chief's retirement party either but she wasn't surprised at all. Ms. Cavin

Mr. Ulbright moved, seconded by Mr. Breneman, to adjourn. Motion carried and meeting so adjourned at 10:25 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council