

CITY COUNCIL MINUTES
May 7, 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.

Mr. Breneman asked for a moment of silence in memory of former Mayor Jamie Howey who passed away on April 17th due to a short battle with cancer and succumbed to complications of surgery related to that. He was mayor of the city for 11 years and accomplished many things during his tenure.

Mr. Breneman welcomed new Mayor, Judi Mitten, who was president of City Council and according to the City Charter, in the absence or vacancy of the mayor, the council president has the choice to become mayor and Ms. Mitten chose to accept that position. Mr. Breneman wished her well in her new endeavors and offered council's help in anyway. Also, according to City Charter, Bob Breneman would succeed to the position of Council President Pro Tem until a new council president would be elected at the next election, which will be November 2007. Mr. Breneman will still have a vote on council as councilman at large.

II. APPROVAL OF MINUTES

Jeff Griffin moved, seconded by Jon Ulbright to approve the minutes of the April 16, 2007 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten first wanted to express that sitting on council for 20 years and now being on the other side as mayor is difficult, but she has a great staff and is just another mayor passing through.

Council members were invited by the Mayor to attend a barbeque on Friday June 16, 2007 at city hall from 11AM-1:00PM to help raise money for the city employee's Relay For Life team.

City Council has a hospital committee, consisting of Jon Ansel, Jeff Griffin and Mayor Mitten. Every year the Hospital Board of Governors gives council \$2000 to spend on a wellness project and the Mayor suggested to Mr. Griffin and Mr. Ansel that she felt it appropriate to give that money to the city's Relay For Life team, who are raising funds for cancer. They too felt that was very fitting and agreed that be done.

Mayor Mitten also updated members on the house across from K-Mart on Portage Road. She is working with the commissioners, health dept and the trustees. Community members may be asked to help the family with clean up and she wanted council to keep their ears open for future information regarding that.

A list of events for the Bicentennial committee was given to members by the Mayor and she encouraged them to share this information with their constituents along with the pack of pins she gave them, which say Wooster City Council 1808-2008.

Another item brought to her attention this week was that Lincoln Way Elementary School is one of two schools located on the Lincoln Highway and there will be a celebration in August to commemorate that.

The Mayor informed council she has appointed Wanda Christopher Finn, representing Ward 4, to the Planning Commission and also Penny Gasbarre, Ward 1, and Pat Zoller, Ward 2, to the Board of Zoning Appeals.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The Clerk read four notices received from the Ohio Division of Liquor Control for new liquor permits:

Wilson Property Management Inc., DBA Seattles Midtown, 1677 Beall Avenue, filed for a new D-2 liquor permit. Mr. Griffin moved, seconded by Mr. Ansel not to request a hearing and all were in favor.

Stop N Go of Medina, Inc., DBA Stop N Go 83, 825 Dover Road, filed for a new C2 liquor permit. Mr. Ansel moved, seconded by Mr. Griffin not to request a hearing and all were in favor.

Richard C. Tyler, DBA South Side, 438 E. South Street, filed for a new D1 & D3 liquor permit. Mr. Breneman moved, seconded by Mr. Griffin not to request a hearing and all were in favor.

Michael A. Mariola, DBA South Market Bistro, 151 S. Market St. Basement & 1st Floor, filed for a new D5 liquor permit. Mr. Ansel, seconded by Mr. Ulbright not to request a hearing and all were in favor.

The following people spoke to city council: Aleksandra Davis, 428 N. Bever (proposed Planning & Zoning Code) and Erwin Riedner, 904 Forest Drive (proposed Planning Zoning Code and the appearance of Prairie Lane south of Wooster).

V. COMMITTEE REPORTS

Jon Ansel, chairman of the Laws and Ordinance Committee, reported there have been numerous public work sessions involving community leaders, business leaders, Main Street Wooster, special interest neighborhood groups, Chamber of Commerce, etc. and they now have a revised Planning and Zoning Code, which was enclosed in the council packets. Mr. Ansel highlighted the progression in an attached document for clarification as the ordinance will remain tabled until the May 21st council meeting for third and final reading. On behalf of the Laws and Ordinance Committee they would ask that council review in detail the proposed amendments and deletions, provide feedback to the committee within the next week or ten days. If another meeting is required they can schedule that accordingly, if there is no feedback, it will be moved to third and final reading on May 21, 2007. Mr. Ansel thanked Mr. Topovski, Mr. Silvestri, members of council and everyone involved in the community for their hard work.

VI. OLD BUSINESS

1. Third Reading - Ordinance No. 2007-18B, adopting a pay range for the new position of Clerk of City Council. (Ansel)

Mr. Ansel stated a special human resources sub-committee, chaired by former Council President Judi Mitten, which will now be chaired by Mr. Breneman, Mr. Topovski and himself were to review the job description and identify the position summary for Clerk of Council which is unclassified and undefined. Mr. Ansel indicated the sub-committee still has work to do in formalizing some of the loose ends. They will be soliciting administration and council for input and hope to have a defined summary of responsibility for the position of Clerk of Council back to council within the next 60-90 days. Mr. Ansel made a motion to table Ordinance 2007-18B, seconded by Ms. Cavin. Upon roll call, motion carried unanimously.

2. Second Reading - Ordinance No. 2007-20 amending Ordinance No. 2006-56, the authorized range of pay scales and benefits for hourly rated and salaried employees at Wooster Community Hospital, by the addition of a new range of compensation for physicians employed by the hospital, and declaring an emergency. (Breneman)

Mr. Breneman stated the Board of Governors of the Wooster Community Hospital, at their March 28, 2007 meeting, recommended the adoption of an amended pay scale and benefits, by adding a new range of compensation for physicians hired by the hospital. According to the Codified Ordinances, the Board of Governors shall fix compensation for hospital personnel subject to the approval of city council. Mr. Breneman indicated that according to Bill Sheron, Wooster Community Hospital CEO, they do not plan at the current time to fill this position, but are trying to be

forward thinking in their planning process for future staffing needs. 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. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

VII. NEW BUSINESS

1. First Reading - Ordinance No. 2007-21 to approve and adopt current replacement pages to the Codified Ordinances and declaring an emergency. (Ansel)

Mr. Ansel indicated that laws change, state laws are revised, updated, amended and we tend to follow those revisions at the city and county level. These replacement pages are to update a number of traffic codes and general offense codes. Changes will be published in the newspaper seven days prior to the approval process which is standard protocol and is a routine item update. Ms. Cavin indicated she did not receive her replacement pages and Mr. Benson said they should have been received when originally issued, but he will check into it. Mr. Ulbright was curious about a couple of the traffic amendments. Mr. Benson indicated that he was not familiar with detailed changes of each law, but when changes are made in the state code, the city's corresponding code is also changed, so our ordinance reads the same as the state law. Therefore when our police charge under that ordinance, rather than the state law, the fine will come back to the city. Mr. Ansel asked that Ordinance No. 2007-21 be kept on first reading.

2. First Reading - Ordinance No. 2007-22 authorizing the Mayor to enter into an agreement with the Coyote Group, LLC for Community Reinvestment Area Tax Incentives, and declaring an emergency. (Breneman)

Mr. Breneman stated this is another example of the CRA working in our downtown and indicated that the Coyote Group, who have renovated three other buildings in our downtown, now desire to renovate the property located at 202 S. Market Street, formerly the old Greyhound Bus terminal, which has been vacant for 6 years and is located in the CRA district. They are making a capital investment of \$250,000 in renovations of both floors and preserving the steel façade. They asked for tax abatement as an incentive through the CRA program. Wooster Growth Corporation met on this and recommended its adoption. Wooster City Schools Board of Education has also reviewed the request and given its approval. They are requesting 100% abatement of real estate taxes for the improvements at a maximum term not to exceed 12 years, which is essentially the standard of other CRA tax incentives in our downtown. The project is scheduled to begin in June 2007. Mr. Ulbright indicated he was excited to see this project as it is a solid structure and will help maintain the history of our downtown. Mr. Silvestri echoed Mr. Ulbright's comments and too is glad to see the CRA is working and beautifying

the downtown. Mr. Breneman moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adoption carried unanimously.

3. First Reading - Ordinance No. 2007-23 amending the Traffic Control File to enact the recommendations of the Traffic Commission, and declaring an emergency. (Topovski)

Mr. Topovski explained this is the quarterly update of the traffic control map and traffic control files on specific traffic control devices that the Traffic Commission had adopted. There are four of them. He felt it important to comment on #3, where a recommendation to add a School Bus Loading Lane on Graustark Path on the east side in the area of Edgewood Fields. Cost to be borne by the Wooster City Schools and to be built with specifications supplied by the city engineers office. Many times, Mr. Topovski said, its the policy of the city that we don't go onto private roads to put signs up, even though the costs are borne by private individuals, but its good we are going to be putting traffic control devices in this area with costs being borne by the schools. Mr. Ulbright had a question regarding the location of item #1, a fire truck symbol warning sign on Cleveland Rd. southbound on the west side of Schellin Rd. intersection. Mr. Sigg explained it was by the township fire department and Mr. Topovski added that it is in the city. 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.

4. First Reading - Ordinance No. 2007-24 amending the annual Appropriation Ordinance. (Breneman)

Mr. Breneman explained that from time to time the budget which is adopted at the end of the previous fiscal year needs to be amended and this is not an uncommon procedure throughout the year. The fire department is requesting \$54,000 be transferred from the general fund in the fire cost center to the capital improvement fund for the purpose of purchasing a HVAC system for fire station #1. Mr. Sigg explained that the unit was hit by lightning last year and needs replaced. The expenditure is not increasing the budget, the funds are being taken from the operational fund and because the cost is over \$5000, finance rules calls for it to be capitalized, meaning the cost needs to be taken out of the capital improvement fund not the general fund, so the money is just being moved there to use. Mr. Silvestri said if it's the same HAVC system he's spoken to Chief Eyler about, they have unsuccessfully tried to repair the unit several times. Mr. Breneman moved, seconded by Ms. Cavin, 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.

5. First Reading - Ordinance No. 2007-25 adopting the Flood Damage Reduction Ordinance. (Griffin)

Mr. Griffin stated that this ordinance would remain on first reading so that interested parties can review the proposed plan and offer input. He discussed that city council previously adopted legislation announcing they wanted to participate in the National Flood Insurance Program and this is the next step that must be taken in order to participate. Mr. Griffin reminded everyone that this is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. By becoming a participant city we are protecting residents and our own infrastructure from possible flooding and tragedy so that people who could not obtain insurance for buildings and properties will be able to do so. This ordinance simply lays out general conditions, definitions to our plans, defines administration of the plan, the plan administrator would be the city's Chief Building Official Tim Monea, the uses and development standards and enforcements. Mr. Breneman asked if this would be the last phase of the plan and how soon it would be effective. Mr. Griffin stated there will be more steps in the progression but it should be completed this year. Ordinance remained on first reading.

6. First Reading - Resolution No. 2007-49 authorizing the Director of Administration to enter into a contract with Paradise Lawn Care, Inc. of Smithville, Ohio for leaf composting services, and declaring an emergency. (Topovski)

Mr. Topovski stated the city has a policy of picking up resident's leaves in the Fall. The leaves are taken to Paradise Lawn Care's facility on Mechanicsburg Road for composting at an annual cost of \$48,000. Paradise would like to have a 5 year agreement as they need to make some capital improvements to their facility in order to comply with EPA regulations. They've agreed to maintain the price of \$48,000 per year, but they'd like a 5 year agreement. The alternative would be to set up our own composting system or take the leaves to the landfill and pay their fees. We receive \$40,000 from the Solid Waste District because we do take the leaves to a licensed composting facility. Mr. Silvestri had several questions that Mr. Sigg addressed. Mr. Topovski recalled taking the leaves to the quarry behind the maintenance garage when the leaf pick up program first started, but from his understanding, we are now prohibited from doing that, so our alternative is to find a place to take them and Paradise Lawn Care is probably the most economical for us at this point. Mr. Topovski moved, seconded by Mr. Griffin, 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.

7. First Reading - Resolution No. 2007-50 authorizing the Director of Administration to enter into a contract with TIMCO, Inc. of Wooster, Ohio for traffic markings of city streets, and declaring an emergency. (Topovski)

Mr. Topovski explained this resolution will allow us to enter into a contract with TIMCO, who we've contracted with before to provide necessary markings on new pavement and existing pavement that have become worn. This is in conjunction with directing traffic and the continual marking procedure that we need to maintain flow in traffic crossings. Last year the state re-directed traffic through the city while St Rt 30 was being re-done and Mr. Ulbright believed we were told the state would come to our aid and repave and repaint Liberty St. due to the wear and tear from the diverted traffic and he questioned if this resolution will take care of that and specifically the unique downtown crosswalks. Mr. Sigg explained that the resurfacing of Liberty is scheduled for 2008 which will be paid at 80/20, where the state will pay 80% for certain costs. This resolution is a re-occurring item and he will have to see if it would include the special downtown crosswalks. Ms. Cavin questioned this not being a competitive bid and wanted to know if we are getting the best price. Mr. Sigg stated they have a schedule to check prices and that is periodically done. Mr. Topovski moved, seconded by Mr. Griffin, 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.

8. First Reading - Resolution No. 2007-51 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for the construction of a new storm sewer serving Wayne Avenue, from Beall Avenue to North Bever Street, and declaring an emergency. (Griffin)

Mr. Griffin explained this is a project in our 2007 capital plan, 600 feet of new storm sewer including catch basins, manholes and storm laterals along Wayne Avenue from Beall Avenue to N. Bever Street to improve an area that is currently undersized for storm water flow. The College of Wooster will be reimbursing the city 21% of the total cost of the project due to the fact that a new construction project in this same flow area would need an onsite detention and they will benefit from the improvement the city is making and therefore pay back 21% of this project which is approximately \$31,000. Mr. Griffin felt it should be moved to third and final reading as it is a good project and the city will be able to recoup some of the funds. Ms. Cavin agreed as there have been several water problems from recent storms. Mr. Ulbright questioned if that portion of Wayne Avenue would be paved. Mr. Sigg will check on that and he also advised Mr. Silvestri that this project is separate from the Streetscape project. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

9. First Reading - Resolution No. 2007-52 authorizing the Director of Administration to issue payment to Ratliff Custom Homes for city-required modifications to a water line being constructed to serve the Crooked Creek Development and other areas in the

northernmost portion of the city, and declaring an emergency.
(Griffin)

Mr. Griffin indicated this project was for the construction of a new waterline from Gola Drive through the new Crooked Creek Development and along Schellin Road to Cleveland Road. The developer, Mr. Ratliff, would cover the cost of constructing the standard 8 inch waterline, although City Engineer, Joel Montgomery, felt a 12 inch waterline versus an 8 inch would be beneficial in this situation, for greater distribution of water, greater fire safety and in planning for the future. In similar projects it has been the city's practice to enter into a contract with the developer to pay for a standard 8 inch waterline and the city pays the differential for larger pipes and larger fittings only. Mr. Griffin felt this is a great benefit for looping this system to the city's new water tower for a price of \$52,000. Mr. Topovski recalled when this area was up for annexation, he recused himself from the discussions and voting due to possible conflict of interest, but his assumption was that the city was going to require a 12 inch waterline and all of the cost was going to be paid for by the developer. Mr. Benson confirmed that it has been the city's practice that if the city engineer requires an over sizing of the plans that were submitted by the contractor, the engineer would come back to council for authority to pay for the over sizing. He advised if the city wants to do it differently the policy should be changed for new projects making the developer aware of those rules beforehand. Mr. Ulbright didn't question the current policy, but feels the documents presented to council on the proposed annexation led to the conclusion that the developer would pay for all the cost of the waterline. Mr. Silvestri too felt that the upgraded waterline would be completed at the developer's cost. Mr. Ansel didn't feel a committed contract should be renegotiated and these questions should have been brought up during negotiations with the developer. Mr. Breneman said the main cost is putting the waterline in, not the actual material cost and feels this in an inexpensive way to upgrade a system. He feels the developer is doing exactly as he stated and agrees that questions should have been asked during negotiations. Ms. Cavin felt too we should have had these discussions early on with the developer, but would like to have more information on this before voting. Mr. Griffin moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call: Griffin - yes; Silvestri - no; Topovski - no; Ulbright - yes; Ansel - yes; Breneman - yes; Cavin - no. The motion failed. Resolution remained on first reading.

Mayor Mitten asked for a motion to go into executive session to discuss matters that may result in litigation or threatened liability to the city. Mr. Griffin moved, seconded by Mr. Ulbright to adjourn into executive session. Upon roll call: Griffin - yes; Silvestri - yes; Topovski - yes; Ulbright - yes; Ansel - yes; Breneman - yes; Cavin - no. Motion carried and council went into executive session. Mr. Ansel moved, seconded by Mr. Silvestri to reconvene the meeting from executive session. All were in favor.

10. First Reading - Resolution No. 2007-53 authorizing the Director of Administration to enter into a professional services contract with

Bogner Construction Management Company for construction consulting services, and declaring an emergency. (Griffin)

Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Topovski, to adopt. Mr. Griffin stated this resolution is a result of issues which have impeded the construction improvements at the Waste Water Treatment Plant and city administration has recommended the retention of construction consultant Bogner Construction Management Company to monitor the progress of the plant upgrade at a cost not to exceed \$65,000, of which \$14,500 has already been expended. Upon roll call, motion to adopt carried unanimously.

VIII. MISCELLANEOUS

Mr. Griffin encouraged everyone to support the Embracing Our Differences art display at the A.T.I. which will run through the first week of June.

Mr. Topovski wanted to bring attention to the new sidewalks being put in by property owners on Highland which will be a cost savings to the city. He also was disturbed of the notion that there was a conflict of interest in the discussions of updating the zoning code. He is very proud of all the work done on the Planning and Zoning Code. There was only one area he had concern about which was RT developments, which he supports the majority of, but has some reservations, specifically the RT area south of Liberty Street. He feels cutting out all the conditional use all over the RC is a bad idea. He urged other council members to look at the RT areas and he will be emailing some of his ideas to colleagues and possibly have an amendment at the next council meeting.

Ms. Cavin too spoke regarding the Planning and Zoning Code, thanking the neighborhood groups who have expressed their concerns and invested their time, energy and commitment. The plan was developed with the input of many people and one of the recommendations made included the founder settlement area which on the comprehensive plan shows Ward 1 as mostly residential neighborhoods and it calls for the city to take action to try and gravitate the growth back to single family owner/occupied housing. She feels the neighborhood groups who have come down and expressed their concerns and those who have invested in the south end of Wooster deserve to have this issue moved forward in the manner they worked so diligently on for the last several years. She asked council to consider that and remember the plan is in place and it has been approved by many people through their involvement and support.

Mr. Ulbright wanted to reference the planning document also in that he is concerned with the extension from 10 years to 15 years of existing signs and billboards. It bothers him that a few of these billboards will be around for another 15 years.

Mr. Ansel thanked Mr. Topovski for waiting to express his comments on the planning and zoning document until this time, versus stalling the process. He encouraged council members to provide feedback to the Laws & Ordinance Committee within the next 10 days as there will be a final draft generated to be voted on.

Mr. Breneman feels everyone should feel encouraged that the city can have a tragic loss and yet the system continues. The transition was an orderly progression and city council has continued going forward and conducting the people's business. The public should feel secure that the system works.

IX. ADJOURNMENT

Mr. Griffin moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council