

CITY COUNCIL MINUTES

November 3, 2008

7:30 p.m.

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ansel, to approve the minutes of the October 20, 2008 regular meeting.

Mr. Topovski moved, seconded by Mr. Steiner, to approve the minutes of the October 28, 2008 special meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: City Hall exterior renovations soon to be completed and a date for the public Open House will be set, City Hall Chamber of Commerce Open House was a success; Bicentennial time capsule to be stored at City Hall and Bicentennial highlight film to be shown at Wooster High School; expressed his support of Ordinances #2008-30 and #2008-31.

Mr. Sigg reported on the City of Wooster's Utility Division's team who competed in the Water Environment Federation Competition in Chicago in October.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

No petitions/communications from public.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Public Hearing - Petition to Vacate a 100 foot public alley running in a south/north direction from the Best Western parking lot to the Best Western's back door between lot numbers 157, 158, 159, 160, 161.

Mr. Ulbright called to order the public hearing. No one spoke for or against the petition which was signed by 100% of the property owners. Mr. Ulbright closed the hearing and requested legislation for the alley vacation be put on council's next agenda.

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO 2008-30 RE-AUTHORIZING A JOB CREATION INCOME TAX CREDIT FOR ELIGIBLE BUSINESSES THAT CREATE NEW JOBS WITHIN THE CITY OF WOOSTER (Buytendyk)

Mr. Buytendyk stated the job creation income tax mirrors the State of Ohio's program. Eligible businesses must first meet criteria for an income tax credit from the state before being considered for the local component. This means the state does most of the leg work and the city determines whether to offer the credit to those companies that apply. Mr. Buytendyk expressed his approval especially due to the fact that incentives for personal property tax have disappeared. He doesn't believe other municipalities currently have this type of tax credit to offer businesses in lieu of the abatements for personal property taxes.

Mr. Buytendyk moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

Mr. Topovski recalled discussion at the last council meeting to review or change language regarding the average wage of new jobs (at least 1.75 times the minimum wage established by federal law) to more closely reflect language in the EZ fast track application. Mr. Ansel clarified by explaining the differences between the EZ fast track and the job creation income tax credit. This legislation parodies the state qualifications for this type of job

creation tax credit and Mr. Ansel stated the administration wanted to keep the city's language consistent with the state's language.

Mr. Buytendyk moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2008-31 AUTHORIZING THE CITY OF WOOSTER TO ACCEPT A GIFT OF LAND FROM SCOTT E. MYERS (Topovski)

Mr. Topovski recalled past uses for the property, an undeveloped triangle, approximately 0.13 acres, located at 439 W. South Street at the intersection of W. South Street and Columbus Road. Mr. Topovski believes the improvement of this property will provide a new gateway into the city and downtown Wooster.

Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

Mr. Topovski moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

2. First Reading - RESOLUTION NO. 2008-91 AMENDING RESOLUTION NO. 2008-24 BY DESIGNATING A SOURCE OF FUNDS FOR THE PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated Resolution No. 2008-24, authorized the purchase of traffic signals and related equipment for the intersection of Madison Avenue and Bever Street from the Capital Improvements Fund, and should also have included the Street Construction, Maintenance and Repair Fund. All the underground work has been completed on this project and the purchase of poles was going to be delayed until next year until it was learned that a 10%-15% cost increase is expected for 2009. Therefore it was felt that purchasing the poles this year for the approximate cost of \$22,000, which will not exceed the amount appropriated, would be a cost savings for the city.

Mr. Ulbright moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2008-92 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 SIDEWALKS AND CURB RAMPS ON NORMANDY DRIVE, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated Resolution No. 2008-74 declared the necessity of constructing sidewalks and curb ramps on Normandy Drive, between Country Club Lane and Mindy Lane. The next step is to proceed with the construction by bidding out the project for approximately \$47,000, of which \$34,000 will be assessed to property owners. Funds previously set aside for the failed Northwestern sidewalk project will be used for this project. According to City Engineer, Joel Montgomery, several contractors indicated they would be willing to bid on the project this year for Spring construction next year.

Mr. Ulbright moved, seconded by Mr. Schuch, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

4. First Reading - RESOLUTION NO. 2008-93 AUTHORIZING THE MAYOR TO RE-DIRECT CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT MONIES TO A CITY INFRASTRUCTURE PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the City of Wooster has received certain community development block grant monies from the Ohio Department of Development (ODOD) that were to be utilized for local loan programs to promote economic development, but those funds have been underutilized. ODOD has indicated that these monies will be required to be returned to the state if not used for a purpose related to local economic development. However, ODOD officials determined the monies can be utilized for local infrastructure projects located in areas of the city that are otherwise eligible for the application of such funds. Mr. Ulbright stated this resolution is to authorize the mayor to apply to ODOD for permission to use the funding for (1) certain street and sidewalk improvements in the downtown area, including, but not limited to, the improvement of South Street, between S. Walnut and S. Grant Streets, and (2) reclamation of the Freedlander site. Mr. Sigg elaborated on the CDBG funding.

Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

VIII. MISCELLANEOUS

Mr. Silvestri extended his sincere appreciation to Mr. Ulbright and the Public Infrastructure Committee for the lengths to which they went to insure the public was involved in all aspects of the Normandy sidewalk project.

Mr. Ansel thanked Scott Myers for his gracious donation of land to the City of Wooster.

Mr. Buytendyk stated newly posted signs indicate Beall Ave. will be closed beginning November 10th for 365 days and questioned if that meant all of Beall Ave. or just sections. Mr. Montgomery stated sections of Beall Ave. will be closed throughout the year for construction, but the entire street will not be closed at one time. Construction will begin in the college area, between University and Wayne, and that section will be closed through the winter. Mr. Montgomery suggested the public use alternate routes if they do not have a destination on Beall Ave.

Mr. Ulbright asked if council could get a report within the next month on the progress at the Water Pollution Control Plant. He also encouraged citizens to vote on November 4, 2008 and urged them to support Issue 5, a referendum limiting payday lending. On November 5, 2007, by unanimous vote, council passed an Informal Resolution urging the general assembly to adopt legislation that would put a limit on payday lending in an effort to protect citizens of Ohio from exorbitant interest rates.

IX. ADJOURNMENT

Mr. Steiner moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:10 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council