

## **CITY COUNCIL MINUTES**

**November 5, 2007**

**7:30 p.m.**

### **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.

### **II. APPROVAL OF MINUTES**

Mr. Griffin moved, seconded by Mr. Topovski to approve the minutes of the October 15, 2007 meeting.

### **III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Mitten introduced Jim Borton of the Water Pollution Control Division, who gave an update on the Water Pollution Control Plant project.

### **IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

Jane Carmichael, 812 Northwestern, presented a signed petition to council in opposition of sidewalks on Northwestern and Westridge. The following members of the audience spoke: Howard Zuercher, 510 Beechwood (sidewalks); Pat O'Bryan, 1905 Portage (responsible lending); Kevin Breeden, 620 Arlington (pedestrian crosswalks), Gary Leisure, 746 Northwestern (sidewalks); Denny Helmuth, 515 Beechwood (sidewalks); Lyn Shoots, 4085 Pheasant Run (responsible lending)

### **V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Topovski reported on the November 5, 2007 Public Infrastructure Committee meeting which was held at 6:00 p.m. prior to council meeting to discuss the sidewalk issue on Northwestern and Westridge. He felt all of the neighborhood concerns were discussed and Joel Montgomery, city engineer, explained the design which meets city specifications. Mr. Topovski indicated he will leave the legislation on second reading to give everyone the opportunity to look at the project along with the plans.

Mr. Breneman scheduled a Finance Committee meeting for Tuesday, November 13, 2007 at 5:00 p.m. in council chambers at city hall to review the 2006 Comprehensive Annual Financial Report (CAFR) and the Bed Tax applications.

Mr. Ansel conducted a public hearing to hear concerns regarding the requested annexation of 16.869 acres located on the north and south sides of Canal Road, between SR 585 and Hillcrest Drive in Wooster Township. There being no public comment, the public hearing was closed.

### **VI. OLD BUSINESS**

1. Second Reading - RESOLUTION NO. 2007-86 DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALKS AND CURB RAMPS ON PORTIONS OF NORTHWESTERN AND WESTRIDGE AVENUES, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski indicated he would be leaving the legislation on second reading in order for everyone to have the opportunity to look at the project and for the design criteria to be reviewed. He hopes it can be passed at the next reading although the construction will not be able to take place until next year due to weather. He also indicated there were some comments about extending the time so residents can find alternative ways to have their sidewalks installed on their own as opposed to the city installing them. Mr. Topovski noted there may be amendments to the ordinance at the next meeting. Joel Montgomery, city

engineer, addressed various questions regarding water drainage and grading issues in relation to the construction of the sidewalks and Mr. Ulbright encouraged residents to contact Mr. Montgomery with further questions. The resolution remained on second reading.

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2007-59 AMENDING ORDINANCE 2007-25, IN WHICH THE CITY OF WOOSTER ADOPTED THE FLOOD DAMAGE REDUCTION ORDINANCE, BY CLARIFYING THE DEFINITION OF "NEW CONSTRUCTION" CONTAINED THEREIN. (Griffin)

Mr. Griffin indicated that upon the Ohio Department of Natural Resources' review of the city's initial application for the Flood Damage and Reduction program an incorrect date was found and needs to be changed, replacing February 2, 1977 with June 21, 2007. Otherwise, any structures built after 1977 would have to take steps to comply with new building regulations. Mr. Ansel asked if this basically was grandfathering in prior construction and Mr. Griffin indicated it was, so as to not burden new construction that occurred within that 30 year period, as the whole intent was to make properties eligible for the national flood insurance program, the date just inadvertently did not get changed.. Mr. Breneman asked how the February 2, 1977 date was established and Mr. Monea explained that is the date the original firm rate map was established. Mr. Griffin moved, seconded by Mr. Ulbright, 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 unanimously.

2. First Reading - ORDINANCE NO. 2007-60 AUTHORIZING THE MAYOR TO EXECUTE A PERPETUAL CONSERVATION EASEMENT IN FAVOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR CITY-OWNED PROPERTY IN THE VICINITY OF FRANK DRIVE, AND DECLARING AN EMERGENCY. (Ulbright)

Mr. Ulbright indicated the city was unable to arrive at an agreement with the Ohio Department of Natural Resources in regards to a conservation easement for drainage work done in the vicinity of Christmas Run Park. Ohio EPA has indicated they would consent to become the holder of the easement. The legislation is to authorize the conservation easement with the Ohio EPA, which benefits the city by protecting the integrity of Killbuck Creek. Mr. Breneman questioned why a permanent easement has to be in place and Mr. Sigg explained how the terms of the easement came to be. Mr. Ulbright moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

3. First Reading - ORDINANCE NO. 2007-61 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON EITHER SIDE OF CANAL ROAD (CR 19), EAST OF AND ADJACENT TO THE DIX EXPRESSWAY, AND CONTIGUOUS TO THE PRESENT CORPORATION LIMITS (Attorney John Barrington, Agent for Petitioners Fronco II Limited Partnership and Richard E. Frontz). (Ansel)

Mr. Ansel explained this is part of the process for annexing a parcel outside of the city limits and as discussed at the public hearing, this process began in May and has went through the review process and the approvals of the Wayne County Commissioners. Mr. Ulbright questioned if this should be held on first reading to allow further review and questions. Mr. Ansel indicated that could be done although after the public hearing this evening and past discussion, he didn't believe there were any open issues and felt it was a very straight forward annexation request and to hold it wouldn't accomplish anything

other than to delay the process. At Mr. Ulbright's request, Mr. Breneman asked the audience if there was anyone with concerns or questions concerning this annexation and there were none. Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - ORDINANCE NO. 2007-62 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (16.869 ACRES) TO AN M-2 (GENERAL MANUFACTURING) DISTRICT FOR PROPERTY LOCATED ON EITHER SIDE OF CANAL ROAD (CR 19), EAST OF AND ADJACENT TO THE DIX EXPRESSWAY. (Ansel)

Mr. Ansel stated this is the zoning designation for the newly annexed parcel discussed in Ordinance 2007-61 which was previously un-zoned as it was outside the city. It has been reviewed by the Planning Commission and they unanimously approved and recommended to council an M-2 general manufacturing zoning designation for this parcel. There being no further discussion Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

5. First Reading - ORDINANCE NO. 2007-63 AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman explained the IT Department is requesting an additional \$54,000 for their budget from the unappropriated balance of the General Fund. In a memo from Ty Collins, IT Manager, he stated the need of the additional funding and indicated the shortage stems from several different issues: 1) In 2006 the employee budget was \$169,853 for two employees-full year and one employee-half year. In 2007 the employee budget was \$165,865 for four employees-full year. Less money for more employees in 2007. 2) A GIS specialist was hired and 50% of his time was to be covered under the engineering budget and 50% by IT. That did not get budgeted as such and the IT budget ended up covering the entire pay. 3) IT's original overtime budget request was \$4000. In the budgetary process it was cut to \$833.42. 4) The original training budget request was \$62,000. In the budgetary process it was reduced to \$32,000. Eliminating all but necessary training, to prevent a lapse of certification for employees, it would reduce the total training budget to \$52,000. Mr. Dordea indicated funds would be needed in order to meet payroll. There were several questions and Ms. Cavin requested a list of each department's training budget. 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.

6. First Reading - INFORMAL RESOLUTION SUPPORTING THE OHIO COALITION FOR RESPONSIBLE LENDING'S ADVOCACY FOR FAIR AND JUST LENDING PRACTICES BY PAYDAY LOAN ESTABLISHMENTS IN THE STATE OF OHIO, AND THE URGING THE OHIO GENERAL ASSEMBLY TO ADOPT LEGISLATION TO PROTECT ALL OHIO RESIDENTS FROM UNFAIR LENDING PRACTICES BY ESTABLISHING A RATE CAP FOR PAYDAY AND SMALL LOAN LENDING AT AN APR OF 36% AND OTHER MEASURES TO HELP BREAK THE CYCLE OF CHRONIC BORROWING PAYDAY LENDING CREATES. (Ulbright)

Mr. Ulbright indicated it was with great honor that he introduce this informal resolution and thanked Pat O'Bryan and Lyn Shoots for their extensive explanations on this issue earlier in the meeting during public comment. Some of the statistics show that individuals who get loans from payday loan establishments with APR's of up to 391% get caught up in the whirlpool of debt when attempting to pay the loan off. Mr. Ulbright feels by lending our voice to the general assembly in passing this resolution we will be joining other responsible cities and government entities in trying to bring some measure of protection to the residents in our communities. Discussion followed. Mr. Ulbright moved to adopt the Informal Resolution, seconded by Mr. Griffin and all members approved by voice vote.

7. First Reading - RESOLUTION NO. 2007-88 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER METERS FOR THE UTILITIES DIVISION, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated these are the network water meters that are attached to residences that link up with the city's system to track water usage. Due to new construction, replacement of damaged meters, etc., the city's inventory of these water meters need to be re-stocked. 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. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

8. First Reading - RESOLUTION NO. 2007-89 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE FIBER-OPTIC ELECTRONIC PANELS FOR THE WATER POLLUTION CONTROL DIVISION, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated the purchase price for two fiber-optic electronic panels is \$4,368.99 and is not to exceed the budgeted amount, although this expenditure will exceed the \$15,000 limit spent to this vendor to date and therefore requires council approval. This is not a design error in the plant, it was a decision by IT to move the panels. Mr. Borton gave an explanation as to why the panels were moved. Mr. Griffin moved, seconded by Mr. Ansel, 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. 2007-90 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR TECHNICAL LABORATORY SERVICES, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin indicated this is a budgeted expense for a normal act of business where the city out sources the required lab testing at the water pollution control plant and water plant to meet EPA requirements. This is an extension of spending with Alloway Lab Services to keep these required lab tests up-to-date. Mr. Griffin moved, seconded by Mr. Ulbright, 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.

10. First Reading - RESOLUTION NO. 2007-91 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES. (Breneman)

Mr. Ulbright recused himself from the discussion. Mr. Breneman stated the Economic Development monies are referred to as the bed tax as there is a tax on hotels within the

city that generate approximately \$48,000 a year, which Mr. Dordea indicated is up this year. The city has advertised in the local newspaper for interested parties to apply for the use of the bed tax money and have received one applicant from the joint group of Main Street Wooster, Inc., Wayne County Convention and Visitors Bureau and the Wooster Area Chamber of Commerce. This joint group has been the recipient of bed tax funds over the last number of years. Their request is the same as the previous four years: Allocation of the first \$50,000 (57 ½% Main Street Wooster, 37 ½% Wooster Area Chamber of Commerce and 5% Wayne County Convention and Visitors Bureau) and allocation of over \$50,000 (50% Main Street Wooster, 30% Wooster Area Chamber of Commerce and 20% Wayne County Convention and Visitors Bureau). Mr. Breneman indicated he would leave this on first reading so anyone who is interested could review the application which will be in the clerk of council's office. The finance committee will also review and discuss the application on Tuesday, November 13, 2007 at 5:00 p.m. at their meeting. Ms. Cavin requested audits of the businesses applying for the bed tax. Discussion followed. The resolution remained on first reading.

### **VIII. MISCELLANEOUS**

Mr. Ulbright encouraged residents to exercise their right to vote on November 6<sup>th</sup>.

Mr. Ansel, on behalf of the Wooster City Council, thanked the Schaeffler Group aka LuK, Inc., for their recent 30<sup>th</sup> year celebration for their employees, families and suppliers. He stated the city is fortunate to have a company that's had 30 years of sustained growth in Wooster, approaching 1000+ employees and driving the economy. Expansion is important but retention and continued commitment to companies supporting our community should be recognized and highlighted.

### **IX. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:15 p.m.

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Robert F. Breneman  
President Pro Tem of Council

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Cheryl K. Collins  
Acting Clerk of Council