

CITY COUNCIL MINUTES
October 16, 2006

President Judi 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, Griffin, Silvestri, Topovski, Ulbright.

Mr. Silvestri moved, seconded by Mr. Ansel, to approve the minutes of the October 2, 2006 meeting as received. Motion carried.

Mayor Howey stated that we're moving forward with the ball fields at Freedlander Park and work would begin this week on the backstops that the Masons had donated.

Mr. Sigg advised council that the contract they authorized a couple meetings ago for bridge design had been negotiated down to \$76,000 from the approved \$95,000. We don't always spend the amount authorized. Also, he had written and circulated a memo to council addressing the petition signed by downtown merchants regarding the fire inspection fee.

Judi Stock, Books in Stock, representing several downtown merchants, spoke opposing the \$50 fire inspection fee stating that it was unfair. She asked that council reconsider this and waive this charge. President Mitten referred this to the finance committee and she commented that we might wish to consider waiving the fire inspection fee for the downtown merchants in the CRA district as we do wish to retain the businesses downtown.

Mr. Breneman scheduled a finance committee meeting for next Monday, October 23 at 5:30 p.m. to discuss the 2005 CAFR and to review the bed tax applications.

Mr. Ansel stated that the laws and ordinances committee had a productive session this evening and we made good progress on the enterprise zone policy revisions, the outdoor wood burning furnaces, the handling of citizen communication, the comprehensive planning and zoning code and the exotic animal ordinance.

Ordinance No. 2006-47 amending the Annual Appropriation Ordinance was read by title, being on second reading. Mr. Breneman moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Mr. Breneman stated that this was for payment to the Wayne County Health Department for their services to the city; it is mandated by state law that we have a health service within the city. We did budget \$38,000 for this based on past services but found that we were about \$5,000 short. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-48 authorizing the Mayor to enter into a settlement agreement with certain property owners for the purpose of resolving pending litigation; and approving payment of a settlement; and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this lands us back where we started in obtaining the property necessary to house the water tower. The site location for the proposed tower remains the same, partially owned by the

school board and Wayne County. The payment to the school board for the easement (\$13,750) was our original offer and it now represents the settlement. Mr. Griffin commended Mr. Benson and Mayor Howey for their diligence in reaching this eminent domain settlement and we'll be able to move forward on this project assuming we pass this ordinance. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-49 amending Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, Ohio was read by title, being on first reading. Mr. Ansel stated that this will remain on first reading. A public hearing had been held on August 28 to receive public input. This has been a work in progress over the past three years and great progress updating our zoning laws and regulations and we're getting very close. Mr. Ansel reviewed the two issues that were brought up at the public hearing and stated that the consultants were addressing those issues at this time. Mr. Ansel stated that we have a meeting scheduled at the request of the chamber for November 20 at 5:00 here in council chambers to review the concerns of local businesses, so we will wait until after that before moving forward with this. There were also some minor housekeeping issues that the administration would be following up on with Ms. Jesionek and the consultants who have been working on the amendments.

Ordinance No. 2006-50 authorizing the transfer of property to the Wooster Growth Corporation, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that in June of this year, city council purchased .997 acre parcel from National City Bank for the construction of a future lift station. The City has carved out the 30 x 200 ft. easement necessary for access to and construction of the new lift station which leaves approximately $\frac{3}{4}$ of an acre unencumbered. This ordinance would authorize the city to transfer this property to Wooster Growth and in doing so, provide Wooster Growth the flexibility to market and sell the property eventually for development or business use. The financial benefits from sale of the property would be added to Wooster Growth's budget so they may continue their good work as an agent for the city. The Wooster Growth Corporation will receive the financial benefits, but they do hold all their assets in trust with the city so that anytime in the future these assets ultimately would be turned over to the city in the event that Wooster Growth Corporation would become obsolete. Mr. Ansel asked if Mr. Griffin knew what the market value was of the property and when it would be offered for sale. Mr. Griffin stated that he understood that there was already some interest in the property but he hadn't been given the value of the property. Mr. Sigg stated that the city had purchased it for \$90,000 so that will give you an idea of what the property was worth. Ms. Cavin asked what Wooster Growth could do with the property (without council's approval) if it were turned over to them? Mr. Benson stated that they could do pretty much anything that a community improvement corporation can do and would not require council approval. Ms. Cavin asked if this could remain on first reading to have a little more time to consider this and ask any questions she might have. Mr. Griffin had no problem with leaving this on first reading.

Resolution No. 2006-73 authorizing the Director of Administration to purchase vehicles in accordance with the capital plan for 2006, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this would authorize the maintenance division to purchase a 2006 Chevrolet 2500 HP pickup truck with service box to replace a 1996 model that has gone beyond its useful life and was costing more and more to maintain. The dealers were

closing out the 2006 models to make room for the next year's models, so they would like council to move forward on this tonight. Mr. Topovski moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Topovski moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-74 authorizing the Director of Administration to enter into a contract with Schmid Mechanical of Wooster, Ohio for the purchase and installation of a new backflow preventer and meter for the Water Pollution Control Plant, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that the replacement of the backflow preventer and meter was a planned improvement contained in the water pollution control plant upgrade. The current backflow preventer was out of date and needs to be relocated as part of the plant upgrade. Schmid Mechanical is on site doing some work on the upgrade and this would keep our costs in line by taking advantage of them doing the work now. 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-75 concerning flood prone areas of the City of Wooster and stating the City of Wooster's intent to participate in the National Flood Insurance Program was read by title, being on first reading. Mr. Griffin stated that this would remain on first reading tonight and as you can see from the map Mr. Montgomery has provided to us, it shows in red the flood zone and in yellow the flood plain, so there is a large area of the city affected. Just recently, we had a representative from ODNR, Division of Water, present to us the national flood insurance program and its benefits. There's an informational booklet that we all received that further explains the program. The benefits to property owners and business owners identified with participation in the floodplain national flood insurance program include the ability to obtain conventional or federally subsidized financing for purchase of property, businesses or residential units affected by the identified flood zones, the ability to obtain federally backed flood insurance and the ability to receive federal dollars in the event of a flood. The City of Wooster's participation would protect us in any future catastrophic flooding that could wipe out streets, sidewalks or any other infrastructure investments. There is obviously a certain level of peace of mind in having that protection in the event of future flooding. We are in the great minority compared to other cities and towns in Ohio and nationally of those who participate in this program. In the last 10 years, building code standards have changed: those building code standards that were once obligatory to meet the requirements of the flood insurance program are not obligatory, period, as part of the standard building code. It really is one of those situations where the citizens and the city and property owners receive a great deal of benefit without any additional costs to improvements they want to make on the property within the flood zone. This is the first step towards authorizing our participation in the program. Ms. Mitten asked if the people affected by this (numbering around 20) had been contacted by letter. Mayor Howey stated that we had not sent anything out as of yet. Ms. Cavin stated that this mostly affected residents in her ward and she wished to thank the administration for trying to get those residents some help down there. Mr. Breneman stated that he had listened to the presentation by ODNR and looked through the pamphlet and he was trying to figure out what the down side was to participating in this. He couldn't find anything but benefits by joining this program. Mayor

Howey commented that things had changed from the last time we had considered this; he didn't think there was a downside to this now.

Miscellaneous

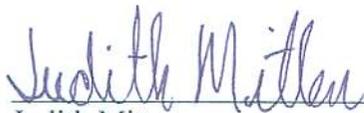
Ms. Cavin thanked everyone who offered condolences on the recent passing of her sister-in-law; it meant a lot to her and her family and it was sincerely appreciated. She also wished to comment on the sound of the council meetings that are shown on local cable. She felt the sound was still rather poor and didn't know if anyone else on council had been watching the program. Maybe the council president could have a conversation with Murrs on trying to find a remedy to that.

Mr. Topovski stated that he had recently been in Canton and stopped in at the Stark Development Board and picked up a brochure on their services. He also spoke with their vice president of business development and knowing what we were working with over here on our economic development program, he gave Mr. Topovski this very well put together brochure on what kind of programs they offered and he thought it might be of interest to us. Mr. Topovski was passing this on to Ms. Mitten for anyone to review or make copies of anything of interest.

Mr. Silvestri stated that as the third ward representative, he always appreciated feedback from the community so that he could vote on their behalf. He wished to say to the downtown merchants that he appreciated getting this petition as it tells council how the downtown merchants feel about the charge for the fire inspection fee. Mr. Sigg did submit a written response to that and it was encouraging to see a lot of other communities and their tax rates. It's of note that Ashland has an income rate of 1.5%, Athens, 1.65%, Kent 2%, Massillon 1.8% and Medina 1.25% income tax. It's a testament to city administration and this council body that we are able to run such an efficient budget on such a low tax rate.

Mr. Griffin thanked the county commissioners who we worked with very effectively to get that water tower property at no cost to the city. They worked collaboratively with us in the interests of the Wayne County residents who happen to live in the City of Wooster and he appreciated it.

Mr. Silvestri moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 8:20 p.m.



Judith Mitten
President of Council



Sheila Stanley
Clerk of Council