

CITY COUNCIL MINUTES
September 17, 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, David Silvestri, Keith Topovski and Jon Ulbright. Jeff Griffin was absent.

Mr. Breneman announced he would be sponsoring Resolution #2007-80 in Mr. Griffin's absence.

II. APPROVAL OF MINUTES

Mr. Silvestri moved, seconded by Mr. Ansel to approve the minutes of the September 4, 2007 meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten updated council on various activities and projects in the city. She also gave a transportation services overview.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following member of the audience spoke: Greg Gehris, 347 N. Grant (general comments).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel reported on the Laws and Ordinance Committee meeting which was held before council meeting, September 17, 2007 at 5:30 p.m. in council chambers, to discuss impact fees. He indicated there will be a follow-up meeting in a few weeks to further pursue the infrastructure fees and the impact fee issues before presenting a recommendation to council.

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-52 TO APPROPRIATE CERTAIN PROPERTY INTERESTS IN REAL PROPERTY OWNED BY THE MARILYN N. STROCK TRUST FOR PROPERTY LOCATED AT 540 BEALL AVENUE, CITY OF WOOSTER, COUNTY OF WAYNE, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated this ordinance is a follow-up from the last meeting. It is to start proceedings in the appropriation of land for a temporary easement needed in the Streetscape project. The land is at the corner of Bowman and Beall, where McDonalds is located, owned by the Marilyn N. Strock Trust. This action is also necessitated in order to receive ODOT funding. Mr. Benson indicated he was recently advised that Strock Trust and McDonalds Corp. have come to a tentative understanding of how they are going to handle this and he hopes to receive something soon, but until then, the appropriation proceedings need to move forward. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

2. First Reading - ORDINANCE NO. 2007-53 AMENDING CHAPTER 357, PARKING VIOLATIONS BUREAU, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO. (Ansel)

Mr. Ansel stated the legislation amending the residential parking district permit program was passed at the last session and this amendment runs congruent with that in terms of the review of the penalty portion of the downtown traffic/parking fines. These changes are to increase the penalty payment for first time, second time and third time parking violations, for both the overtime or time-limited parking and leased permit parking. There is also a change

in the wording of Section A due to redundant language. This is consistent with parking penalties in other municipalities. The current reduction of the \$20 fine to \$10, if paid within forty-eight hours, is perceived as a non-penalty for downtown parking and therefore the increased fines are an initiative to deter violators and repeat violators. Because there is an economic impact, Mr. Ansel requested to keep this on first reading. Chief Glick answered several of council's questions regarding the parking violation amendments. The ordinance remained on first reading.

3. First Reading - ORDINANCE NO. 2007-54 AMENDING ORDINANCE NO. 2004-33 BY EXPANDING THE BOUNDARIES OF WOOSTER COMMUNITY REINVESTMENT AREA #1. (Topovski)

Mr. Topovski and Mr. Ansel recused themselves from this issue. Mr. Topovski asked either Mr. Breneman or Mr. Silvestri, both members of the Infrastructure Committee, to introduce the legislation. Mr. Breneman, being slightly more familiar with the legislation, introduced it. He stated this would stay on first reading and give everyone a chance to review it. Mr. Breneman stated the CRA, Community Reinvestment Area, was created to spur on reinvestment in the community, upgrade buildings/structures and to bring new businesses into town, which has worked extremely well in Wooster, especially downtown. Recently the city has had inquiries from businesses looking at Wooster to expand, move and grow in. There are tax incentives available through the Enterprise Zone, but there are very tight constraints on EZ loans. Mr. Breneman feels expanding the CRA district would provide a good avenue for businesses wanting to relocate to Wooster and also that having both EZ and CRA loans to offer prospective businesses would make Wooster more attractive for bringing new industrial and manufacturing jobs to town. Upon Mr. Breneman's request, Mr. Sigg explained the details of the 2007 Community Reinvestment Area Expansion Legislation memo that he and Mr. Starlin distributed to members. Mr. Sigg noted a small change to the map, adding the area north of Vinton Woods on the west side of SR 585 and south of, and including, Hawkins Plaza. He will provide updated maps for the next meeting. Mr. Ulbright indicated he is a strong supporter of the CRA and is very pleased with the changes in the downtown area, but feels a CRA is for reinvestment, not investment. He also feels the Public Properties Committee spent a lot of time perfecting the EZ application, applying a lot of safeguards such as prevailing wage, benefits, unfair advantage to an existing business, which council passed. He questioned if a company could bypass some of the very things which were implemented into the EZ application by applying for a CRA, which may not have those same types of stipulations. Mr. Sigg did not feel a CRA would be used as a short cut and indicated each application would come before council to review and to hold those same standards to. Mr. Ulbright felt he would like the CRA applications to have the same language as the EZ applications. Mr. Starlin addressed further questions regarding the CRA district and reinvestment definitions. Ms. Cavin feels the CRA was to encourage reinvestment and rehabilitation for areas of the city which had become undesirable to businesses or to potential residents. She could support the Rubbermaid area and possibly Timken area, but stated she cannot support the extension north on SR585 as she does not feel it should be expanded beyond Long Road. She does not know why new retail development, in what is currently vacant land, should be given any sort of a tax abatement and feels it is diluting the spirit of what it was initially intended for. Mr. Starlin and Mr. Sigg answered several other questions council members had. The ordinance remained on first reading.

4. First Reading - ORDINANCE NO. 2007-55 AMENDING CHAPTER 1512, EMERGENCY AMBULANCE SERVICE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY CLARIFYING THE DUTIES OF THE CHIEF OF THE DIVISION WITH RESPECT TO CONTRACTS WITH OTHER GOVERNMENTS FOR MUTUAL AID. (Ansel)

Mr. Ansel referred to a correspondence received from Mayor Mitten and Chief Eyler, which gave a very thorough summation of the amended language. The necessity of this change would be to give the chief better clarity and definition in the decision making process regarding the emergency response within an area to expedite the response time through a contractual arrangement. If an affiliate department is available, like at the OARDC/ATI, and they can respond quicker to an emergency call, the chief can contract for those services to provide better service to the citizens of Wooster. He already has that ability to do so, but this gives more definition and finalization to the

decision making process. Mr. Ansel indicated the ordinance would remain on first reading so council members can contact the chief or administration with questions. Ms. Cavin stated she would like to see the term, in paragraph A and C, "the Director of Administration" changed to "the Mayor and his or her designee". Mr. Ansel stated he would prefer to keep the language as presented and if other revisions are required they can be amended thereafter. Reason being, he feels it would be a more streamlined process to make a master change to all the legislation which references the language change Ms. Cavin is requesting, versus adjusting every piece of legislation on a one by one basis.

5. First Reading - RESOLUTION NO. 2007-80 AUTHORIZING PAYMENT TO PERSONS FOR LOSSES RELATED TO A SEWER BACK-UP CLAIM, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Breneman introduced this resolution in the absence of Mr. Griffin. This deals with an insurance claim for a sewer back-up which occurred on Edwards Drive in March when a block in the sewer line caused the back-up to occur in the resident's basement. The Public Entity Risk Services of Ohio, who handles the city's claims service, investigated the back-up, found the city liable and is requesting payment of \$25,000 which is the city's insurance deductible. The area where the sewer back-up occurred was video taped prior to and after the back-up occurred and nothing could be found, which indicates it was a temporary blockage. The infrastructure plan includes improving this line in the future as it has been identified as a potential problem area. Mr. Silvestri questioned what the total amount of damages were and Mr. Benson indicated it was approximately \$32,000 of which \$25,000 would be our deductible. Mr. Ansel was concerned that the cause of the blockage was not found and that it could reoccur. Mr. Sigg indicated they believe the problem is in the design of the drop manhole and changes may be needed. 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. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

6. First Reading - RESOLUTION NO. 2007-81 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY, AND DECLARING AN EMERGENCY. (Ulbright)

Mr. Ulbright stated that under Ohio law and fiscal policy any expenditure over \$3000 needs a fiscal officer's certification of availability of funds before a contract is executed. Since neither the purchase order nor the fiscal officer's certificate were issued before these services were performed, this expense must come before council for approval because it is over \$15,000. The vendor is JDS Trucking, Inc. and the work performed was grinding and removal of storm debris for the Parks and Maintenance Division. The payment will come from the unappropriated balance in the General Fund. Mr. Ulbright moved, seconded by Mr. Ansel, 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.

7. First Reading - RESOLUTION NO. 2007-82 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (Breneman)

Mr. Breneman stated we need to respond to the auditor's office by September 30th to accept the millage awarded to the city from the county for property taxes. We will receive 4.2 mills out of the total 10 mills, which is the maximum amount that can be received. The 4.2 will be divided into the following funds: 3.60 mills General Fund, 0.30 mills Fireman's Fund and 0.30 mills Police Pension Fund. This is a procedure which is done every year. Mr. Topovski noted that the resolution needed to reflect Mr. Griffin's absence. Mr. Breneman moved, seconded by Mr. Ulbright, 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 adopt carried unanimously.

VIII. MISCELLANEOUS

Mr. Topovski requested that when audience members speak that they be asked to stand and identify themselves. Mr. Breneman clarified that they do sign in and are recognized by name before speaking.

Mr. Breneman will try to schedule a Finance Committee Meeting to review the CAFR and will let council members know when a date has been set.

IX. ADJOURNMENT

Mr. Ansel moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 8:50 p.m.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council