

**CITY COUNCIL MINUTES**

**March 17, 2008**

**7:30 p.m.**

**I. ROLL CALL & ORDERING OF AGENDA**

President Jeff Griffin 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, Jeff Griffin, 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 March 3, 2008 meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city. He also recommended the following individuals for appointment/reappointment to serve on the Shade Tree Commission:

Mark Cavin	324 Palmer St.	Ward 1	01/01/08 – 12/31/10
Ruth Sandore	1434 Ramblewood Dr.	Ward 2	01/01/08 – 12/31/10
Dr. Daniel Voltz	2301 Long Rd.	Ward 3	01/01/08 – 12/31/10
Dr. Robert Romig	3511 Clearview Dr.	Ward 3	01/01/08 – 12/31/10
Dick Kinder	1681 Burbank Rd.	Ward 4	01/01/08 – 12/31/10

Mr. Buytendyk moved, seconded by Mr. Schuch, to approve the appointments. Upon roll call, motion carried unanimously.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

Four notices were received from the Ohio Division of Liquor Control:

- 1) Transfer of a D1 & D2 liquor permit to Wayne Pizza of Ohio LLC, DBA Pizza Hut, 1831 Beall Ave. from Wayne Pizza Inc., DBA Pizza Hut, 1831 Beall Ave. Mr. Topovski moved, seconded by Mr. Ulbright, not to request a hearing. Upon voice vote, motion carried unanimously.
- 2) New D3 liquor permit for Wayne Pizza of Ohio LLC, DBA Pizza Hut, 1831 Beall Ave. Mr. Steiner moved, seconded by Mr. Ulbright, not to request a hearing. Upon voice vote, motion carried unanimously.
- 3) Application for a change of corporate stock ownership for Leroy's Place Inc., 400 Palmer St. Mr. Buytendyk recused himself from the discussion. Mr. Ansel moved, seconded by Mr. Steiner, not to request a hearing. Upon voice vote, motion carried unanimously with Mr. Buytendyk abstaining.
- 4) Transfer of D1, D2 and D3 liquor permit to Wooster Hospitality Group LLC, DBA City Square Steakhouse, 148 S. Market St. from Sustainable Foods Inc., DBA South Market Bistro, 151 S. Market St, Basement & 1<sup>st</sup> Floor. Mr. Steiner moved, seconded by Mr. Topovski, not to request a hearing. Upon voice vote, motion carried unanimously.

The following members of the audience spoke: Howard Zuercher, 510 Beechwood (sidewalks); Norma Barber, 956 Northwestern (sidewalks); Larry Conn, 974 Fenwick (sidewalks); Steve Griffin, 4539 Mel Lane (sidewalks); Jane Carmichael, 812 Northwestern (sidewalks); Gary Leisure, 746 Northwestern (sidewalks); Dennis Helmuth, 746 Beechwood (sidewalks); Max Hughes, 802 Northwestern (sidewalks); Heidi & Colleen Boord, 1275 N. Geyers Chapel (city flag); Mike Kern, 716 Northwestern (sidewalks); Kathryn Santschi, 741 Westridge (sidewalks); Don Stuckey, 730 Northwestern (sidewalks).

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

An Infrastructure Committee meeting was held March 17, 2008 at 6:30 p.m. in council chambers. Mr. Ulbright reported that Mr. Montgomery, city engineer, gave a power point presentation on the overview of the engineering

department's future projects, conducted a public meeting on the waterline projects according to EPA funding requirements and also reviewed sidewalks in general, including the Northwestern/Westridge proposed sidewalks.

The Finance Committee also held a meeting on March 17, 2008 at 6:00 p.m. in council chambers. Mr. Ansel reported that Rea and Associates, who are conducting the city's audit, introduced the audit team and reviewed the timing, scope and process of the 2007 audit.

Mr. Silvestri noted he would like to schedule a Public Utilities Committee meeting Monday, April 7, 2008 at 6:30 p.m. for a brief presentation of the Water Pollution Control Plant renovations.

Mr. Griffin stated he was contacted by the Ohio Vietnam Veterans Memorial Fund, who are constructing a memorial for the Ohio's Vietnam veterans in Clinton, Ohio. They would like to give city council a brief presentation on the memorial and see if Wooster would be interested in participating. Mr. Griffin suggested April 21, 2008 at 7:00 p.m. for a presentation and will make the necessary arrangements.

## **VI. OLD BUSINESS**

A question regarding Resolution 2007-86 was directed to the law director, but due to his momentary absence, Resolution 2008-86 was skipped over and Ordinance 2008-07 was discussed first, in order to continue with the meeting.

2. Second Reading -      **ORDINANCE NO. 2008-07 PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,000,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COST OF IMPROVING BEALL AVENUE FROM LIBERTY STREET TO BLOOMINGTON AVENUE BY GRADING, DRAINING, WIDENING, PAVING, CONSTRUCTING AND REHABILITATING SIDEWALKS, DRIVEWAY APPROACHES, CURBS AND RAMPS, INCLUDING PROVISION OF DECORATIVE STREET AND SIDEWALK DESIGNS AND MATERIALS AND APPURTENANT STREET AND SIDEWALK FURNISHINGS, INSTALLING WALKWAY STYLE LIGHTING FACILITIES AND NECESSARY APPURTENANCES THERETO, INCLUDING THE INSTALLATION OF UNDERGROUND WIRING, RELOCATING OVERHEAD CABLES, WIRES, AND APPURTENANT EQUIPMENT UNDERGROUND, CONSTRUCTING STORM SEWERS, SANITARY SEWERS, WATER MAINS, SERVICE CONNECTIONS AND UTILITY MODIFICATIONS AND INSTALLING AND RELOCATING CATCH BASINS, MANHOLES AND HYDRANTS, AS REQUIRED, CONSTRUCTING RETAINING WALLS, PLANTING SHADE TREES AND PROVIDING RELATED LANDSCAPING, AND INSTALLING STREET AND TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES, ALL IN CERTAIN DESIGNATED LOCATIONS, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ansel)**

Mr. Ansel explained that at the March 3, 2008 meeting, roll call was waived on the motion to move Ordinance 2008-07 to third and final reading and although it was approved, it needed to be re-voted upon for procedural correctness. Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes.

1. Tabled - 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)  
(Tabled 11-19-07 to be brought off table 3-17-08)

At the November 19, 2007 council meeting, Resolution 2007-86 was set to be brought off the table on March 17, 2008. Mr. Ulbright questioned if the resolution had to come off the table before discussion and Mr. Benson indicated it did, but could be tabled again if necessary. Mr. Ulbright moved, seconded by Mr. Ansel, to remove Resolution 2007-86 from the table. Upon roll call, motion carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes. Mr. Ulbright stated he felt both current and future needs of neighborhoods should be considered when looking at proposed sidewalks, along with what is best for the entire community. He also explained how sidewalks are mandated, noted that in time all streets will be improved and that all property owners will be assessed, just as residents on already improved streets were assessed. He indicated he wanted to listen to other council members' comments and then possibly re-table the resolution in order to give everyone a chance to review the evening's discussions, possibly set another infrastructure committee meeting and then make a decision on the sidewalk issue. Mr. Silvestri and Mr. Ansel indicated they could not support the resolution at this time due to funding, timing and engineering issues. Mr. Topovski re-capped several committee meetings which were held to discuss the proposed sidewalks on Northwestern and Westridge and noted that at one point there was a committee consensus that council should adopt this resolution. He believes council members and residents questions have been addressed and that this neighborhood does meet the criteria for sidewalks. Mr. Ulbright expressed his concern that if this resolution were to be voted down it would set a precedence for future sidewalks in other neighborhoods. He suggested tabling the resolution, giving it one year to be brought back off the table, in order to further review the issue. There was further discussion and Mr. Benson and Mr. Montgomery addressed several questions. Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt failed as follows: Ansel-no; Buytendyk-no; Schuch-no; Silvestri-no; Steiner-no; Topovski-yes and Ulbright-yes.

3. Third Reading - RESOLUTION NO. 2008-37 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY HUMANE SOCIETY FOR CAT CONTROL SERVICES WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Topovski)

Mr. Topovski stated he had not received any calls from the public for or against this resolution since the last council meeting. The city of Marshallville has indicated they will help with their share of funding for cat control and Mr. Topovski hopes the other Wayne County municipalities will do the same. Mr. Topovski moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes.

## **VII. NEW BUSINESS**

1. First Reading - RESOLUTION NO. 2008-40 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE HAULING AND DISPOSAL OF SLUDGES, AND DECLARING AN EMERGENCY (Griffin)

Mr. Griffin noted Mr. Silvestri should be listed as the sponsor of this legislation rather than himself. Mr. Silvestri moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes. Mr. Silvestri moved, seconded by Mr. Schuch, to adopt. Mr. Silvestri stated this was for authorization to advertise and enter into a contract for hauling and disposal of sludges for both the Water Treatment and Water Pollution Control plants. The estimated cost for two years is \$875,000 although due to the new efficiencies at the Water Pollution Control plant, their sludge hauling costs could be up to 75% less, reducing the total cost by approximately 50%. Mr. Borton answered council's questions regarding sludge hauling processes. Upon roll call, motion to adopt carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes.

2. First Reading - RESOLUTION NO. 2008-41 DESIGNATING AN OFFICIAL BICENTENNIAL FLAG, IN ACCORDANCE WITH THE RECOMMENDATION OF THE WOOSTER BICENTENNIAL COMMITTEE (Ansel)

Mr. Ansel stated the Bicentennial Committee, created by former Mayor Howey, have been working diligently on the upcoming celebration. One of their projects was the creation and review of a Wooster Bicentennial flag. These flags will be flown over Wooster City Hall and sold as commemorative flags to the general public. Before asking for council's approval to proceed with the official designation of the flag, Mr. Ansel read a summary of the Wooster Bicentennial Flag. Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes. Mr. Ansel moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously as follows: Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes.

**VIII. MISCELLANEOUS**

Mr. Topovski indicated that according to the Wayne County Growth report, Wayne County again was named the Midwest's top performing "micropolitan" economy and third best in the nation for 2007 by Site Selection magazine. The top metropolitan rankings are part of the governors cup awards given by Sikes Selection magazine which are based upon new investment and jobs announced in the previous year. These awards are considered to be the most prestigious awards in economic development and Mr. Topovski wanted to acknowledge the work Rod Crider and the Wayne Economic Development Council have done.

Mr. Silvestri confirmed the Public Utilities Committee meeting set for Monday, April 7, 2008 at 6:30 p.m.

Mr. Griffin indicated he will schedule the Ohio Vietnam Veterans Memorial Fund presentation for April 21, 2008 at 7:00 p.m.

**IX. ADJOURNMENT**

Mr. Silvestri moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 9:10 p.m.

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Jeffrey M. Griffin  
President of Council

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Cheryl K. Collins  
Clerk of Council