

## CITY COUNCIL MINUTES

May 1, 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. Ansel moved, seconded by Mr. Griffin, to approve the minutes of the April 17, 2006 meeting as received. Motion carried.

The following people spoke to the issue of an informal resolution to declare the City of Wooster a “City for Peace”: Pastor Kevin Franklin; Erwin Riedner. Robert Wolf, 511 N. Grant Street, spoke regarding the property at 513-515 N. Grant and its state of disrepair and the problems he has getting results (he has spoken with Mr. Nussbaum).

Ms. Mitten reminded everyone that Mr. Ansel has a Laws & Ordinances Committee meeting scheduled for May 8 at 5:30 p.m. here in council chambers.

Ordinance No. 2006-12 authorizing the Mayor to enter into an agreement with Liberty Market Properties, LLC for Community Reinvestment Area Tax Incentives, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated this was great news and what we were hoping to see our community reinvestment area do for Wooster. We have a group bringing this forward that has already demonstrated good things within the city. Mike Rose has been involved with a number of buildings in the downtown and most of you are aware of the nice exteriors and interiors that he has provided with some of our historic anchor buildings along Liberty Street. This enterprise deals with the building where Friendtique and Older Brothers are located as well as the building beside it. The proposal was to use the CRA to regenerate these properties – to give them new facades, repaint the interior and exterior, remodel the upstairs into four apartments and to put retail space within the reconditioned buildings on the lower floors. A lengthy discussion followed and Mr. Breneman moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Ms. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-13 authorizing the Mayor to enter into an agreement with Washington Properties, LLC for Community Reinvestment Area Tax Incentives, and declaring an emergency was read by title, being on first reading. Mr. Breneman moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Ms. Cavin, to adopt. Mr. Breneman stated this was located on the west side of Buckeye Street, just north of Liberty Street where the H & R Block offices were located; the other portion of the building was vacant. This group was asking for CRA monies in the form of tax abatements; 100% of real estate taxes for a period of 12 years to revitalize this building – changing the façade, new signage, overhauling the HVAC and electrical systems and updating and improving the buildings. The lower floors would be utilized for retail space and the upper floors would be made into apartments. A short discussion followed and upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-14 amending the annual appropriation ordinance was read by title, being on first reading. Mr. Breneman stated that this would help our police department keep track of records and storage of uniforms, record retention and other miscellaneous items. This money had been budgeted at an estimated total cost of just under \$15,000. This was the transferring of monies from one pocket to the other so that the finance department can assure that we legally track all expenditures and capital improvements. 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. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-15 enacted by the City of Wooster of Wayne County, Ohio hereinafter referred to as the City, in the matter of the state described project was read by title, being on first reading. Mr. Topovski stated that this would provide for a vandal fence on the overpass across Route 30 on Spruce Street. The project description is listed in Section 1 of the legislation; Section 2 is the consent statement which is the City giving ODOT consent to complete the project which is part of the Route 30 improvement area. In Section 3, the City will be giving its consent that there will be no funds required from the City as 100% of the cost will be paid by the state. Mr. Topovski stated that there were a lot of older homes in that area that had been converted to multi-family dwellings housing a lot of children and this could also be seen as a safety/security fence. 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. Breneman, to adopt. Upon roll call, motion to adopt the ordinance carried unanimously.

Ordinance No. 2006-16 amending the Codified Ordinances of the City of Wooster, Ohio by establishing fees for services was read by title, being on first reading. Mr. Ansel stated that this was really a language housekeeping issue and will create consistency within the ordinance as referenced. Apparently, this had been identified by Mr. Montgomery and Mr. Sigg in reviewing this ordinance. There were changes made in 2004 to this ordinance but apparently, we missed the revision to the uniform schedule of fees and charges made to the codified ordinances with respect to the water service connections (the administration and inspection fees). Mr. Ansel moved, seconded by Mr. Topovski, 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.

An informal resolution to oppose the Constitutional Tax and Expenditure Limitation proposal was read by President Mitten. Mr. Ulbright moved, seconded by Mr. Griffin, to pass this informal resolution and go on record as a city council opposing this TEL/TABIR amendment. Mr. Ulbright stated that he was very pleased with the language in the resolution; it covered all the bases very well. No matter how appropriate or how nice the "Taxpayers Bill of Rights" sounds, it just doesn't work and that has been proven as evidenced in the problems Colorado was enduring. There was a comment that we as elected officials are part of a representative government (that's why we call ourselves a Republic) and elected to do the job and if we're not doing the job, there are ways to get rid of us but this particular approach undermines the whole essence of Republican government so he would like to see us vote yes on this and officially oppose this.

Mr. Silvestri thanked President Mitten for bringing this to our attention and prior to the council meeting tonight, there had been an informational meeting open to the public regarding something related to this; however, the documentary was on TABIR which is different from the TEL. The foundation of that and the language that was mentioned spoke of the challenging of the fundamental principles on which our constitution is based. Seeing the difference of what happened in the state of Colorado and what is proposed in the TEL here in the state of Ohio and beyond that, seeing that this was a public issue and something that the public should vote on in November, he questioned the ethics of our taking a position on it as a city council. He believed that to be the citizens' job; he felt it was council's job to vote for the citizens and accomplish the job they put council here to do. When something goes to the popular vote, there were people who signed petitions to get this to a popular vote and he didn't feel it was ethically responsible

for him to make his position known on this because the citizens need to do the research. It was their city and their state and country and this was going to popular vote in November and he felt it was unethical for council to make known their personal opinions at this point in time. He recused himself.

Mr. Breneman wholeheartedly agreed with Mr. Ulbright and what he said; this was a poor situation put in front of our voting public. It was placing them in a position where they must know all the ins and outs of every issue that comes before us. That's essentially why they put us here; we're supposed to do our homework and understand the issues and come informed and ready to vote on issues. He didn't agree with this amendment and felt that our city would be severely harmed if this does pass in the fall in the general election.

Council passed the informal resolution unanimously by voice vote.

Resolution No. 2006-43 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 was read by title, being on first reading. Mr. Topovski stated that last year we were approached by the Humane Society to assist in a cat control program for Wooster. We at that time approved funds for that program and we appropriated funds in this year's budget to assist them once more with the cat problem. The resolution before us was to provide funding to the Humane Society; there wasn't a figure attached to this. It was his intention to leave this on first reading and suggest that Miss Cavin schedule a Public Health & Leisure committee meeting to discuss this issue. We have a representative from the Humane Society present tonight who can address the situation and the problems they have controlling the cat population not only in Wooster but Wayne County. Mr. Ulbright asked for a general report of the numbers of cats handled by the Humane Society, what type of success they feel the funding did for their organization and the problems they've encountered this past year. Pat Neyhart gave a lengthy synopsis of how the Humane Society handled the problem with feral cats in Wooster and how the funding given them by the City was used.

### Miscellaneous

Mr. Ulbright stated that he appreciated the email received from Mr. Sigg regarding the problem reported at the last meeting with Orrville Construction & Paving and the people on Henry Street with regard to noise and dust. Mr. Benson stated that he had received an email from the EPA stating that the facility had a plant permit which would include hoppers, mixtures and conveying systems and permits were also listed for storage, material handling and roadways. Also, the gentleman from the EPA had gone to the plant and had done an on-site investigation and observed no problems with the facility and stated that it was in compliance. Mr. Ulbright wondered if there was any way that we as a city could force them to erect some type of screening for dust and noise? Mr. Benson stated that we can't legislate with respect to one individual business or entity unless you find and declare they have created a public nuisance by some sort of standard that is applied equitably across the board. What the EPA is saying is that they've gone there and determined the facility is fully permitted meaning the permits they are required to issue with respect to fugitive emissions and it was fully in compliance. Mr. Benson suggested that if council as a whole felt there should be something in the Planning & Zoning Code that dealt with areas that were zoned for industrial or manufacturing that were up against residential areas, you could certainly suggest something to the Planning & Zoning manager to determine whether that was something addressed in the draft or something that could be addressed in the draft proposal.

Mr. Breneman scheduled a finance committee meeting for May 23 at 5:30 p.m. He had been conversing with the administration trying to work on the economic development fund that we've been discussing in our committee meetings and he felt they were making good progress in trying to put an agreement together that would be sustainable by all parties involved. There was still some work to be done before bringing it to the committee and moving forward with legislation.

Ms. Mitten stated that we all received a copy of the new zoning map and the draft of the new zoning code and the memo from Ms. Jesionek stating that the Planning Commission will have a public hearing Wednesday, May 17 at 7:00 p.m. on the draft. After the public hearing, this draft would then come to city council to the Laws & Ordinances Committee. She would assume that Council would then have a couple public hearings and a committee meeting regarding the proposed zoning changes. In addition, council has the right to change the zoning code and amend it once it comes to us. Ms. Mitten stated that in the past, city council members had received an annual report from all the divisions in the City. The last copy she had received was in 2001. She had kept these over the years and had used them to make a spread sheet which had been very helpful in dealing with constituents who do sometimes call with a question and it's nice to be able to reference the reports. For a while the administration had given council quarterly reports, and she would ask that they at least receive those again. If the annual reports are being done through the internet, that's fine but if it's done in booklet form as it was done for many many years, that would be great. But she felt it was lacking and encouraged the administration to put that practice back into place.

Ms. Cavin stated that she had left her PDA at home and would have to email council with a date and time for a Public Health & Leisure committee meeting to discuss the Humane Society issue. Ms. Cavin asked Mayor Howey where we were with the railroad bridges. Mayor Howey stated that he had received a call back and the gentlemen had told him he would get with his engineering department to determine if there was anything planned for that bridge in the near future. He also said that if we painted it, it would have to be to their specifications. Ms. Cavin stated that she was all for Wooster being a City of Peace; she also thanked Ms. Mitten for the informal resolution regarding the TEL amendment; that was very much appreciated.

Mr. Silvestri moved, seconded by Mr. Topovski, to adjourn. Motion carried and the meeting so adjourned at 8:55 p.m.

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Judith Mitten  
President of Council

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Sheila Stanley  
Clerk of Council