

CITY COUNCIL MINUTES

May 2, 2005

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: Breneman, Buytendyk, Cavin, Griffin, Silvestri, Topovski, Ulbright.

Mr. Silvestri moved, seconded by Mr. Breneman, to approve the minutes of the April 18, 2005 meeting as received. Motion carried unanimously.

The following people spoke to city council: Dan Riggle, representing the Masonic Lodge, in reference to their members building the three softball fields at Freedlander Park with no cost to the city. Their only request was to be able to name the fields in honor of Daniel F. Iceman.

Pat Neyhart – Representing the Wayne County Humane Society to request assistance from the city with the animals that we take care of within the city limits.

Kathy Gray – President of Wayne Co. Humane Society present to request financial assistance from the city.

Eric Nato – Treasure for the Humane Society.

David Conklin – Director of real estate for Arby's Restaurants present to speak to the issue of the alley vacation. They have been working on an agreement with Mr. Lang.

Gary Warren – Representing Summer Fastpitch Softball stated that they were proud of the great girls in the league. The location of the three fields at Freedlander Park was perfect for tournaments when families will attend; they can picnic there, swim at the pool as well as bring people into Wooster.

Kevin Phipps – Here as part of the Ebenezer Lodge #33; he's lived here three years and was surprised when he got involved with the lodge to find out that the lodge and the city had done nothing to honor Dan Iceman. He has been an important part of the community here in Wooster through his work at Gerstenslager and he also served as the ? of all masons in Ohio in 1979 so he considered it a great honor and privilege to be a part of the group that is trying to find a way of honoring this fine man.

Armand – He was representing Wooster Summer Fastpitch also and the opportunity to work with the masons and Wooster Parks and Rec. in developing a very nice facility for these young ladies.

Larry Lang – Wished to thank each and every council member for the consideration you've given me pertaining to the vacation of the alley. I appreciated especially that you considered small business every bit as much as large business. Apparently, things are going to work out.

The Clerk read a notice to the legislative authority from the Ohio Division of Liquor Control for a new C-2 permit for Thomas P. Vura, dba Thomas' Deli & Market at 124 N. Walnut Street. This is for wine and certain prepackaged mixed drinks in sealed containers for carry out only until 1 a.m. Mr. Breneman moved, seconded by Mr. Topovski, that we do not request a hearing. Motion carried.

Mr. Ulbright moved, seconded by Mike Buytendyk, to remove from the table Ordinance 2005-8. Upon roll call, motion to remove from the table carried unanimously. Mr. Benson explained that the purpose of the amendment that you received was to make sure that whoever owned the property after the transaction has taken place was bound to honor the easement and ensure the filing of the easement in order to protect Larry's Music as owner of the building. The manner in which it was structured came about as a result of conversations he had with Mr. Conklin on behalf of the developer and with Mr. Drushal on behalf of Larry and we agreed that it was not enough simply to vacate the alley, that the ultimate owner needs to be bound to protect Larry.

Mr. Drushal stated that it was correct that they had reached an accommodation with the company that has the property under contract and everyone on both sides is happy about the compromise that was worked out and it should be a workable situation which we hope will allow a nice development to occur at the old Hardees' site there as well as to allow Larry's Music Center site to have accessibility that it needs. But it doesn't make sense to do this unless they actually close on their deal and so the language you have in front of you is simply saying that if and when they close the deal, then this becomes effective.

Mr. Ulbright moved, seconded by Mr. Breneman, to amend by substituting the original with the amended Ord. 2005-8. A short discussion followed. Upon roll call, motion to amend carried by a 6-1 vote; Ms. Cavin casting the negative vote. Mr. Ulbright moved, seconded by Mr. Buytendyk, to approve the ordinance as amended. Upon roll call, motion carried by a 6-1 vote; Ms. Cavin casting the negative vote.

Resolution No. 2005-32 adopting and approving a Community Housing Improvement Strategy (CHIS), and declaring an emergency was read by title, being on second reading. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried with a 6-1 vote; Mr. Topovski casting the negative vote. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Mr. Breneman stated this was required by the Ohio Department of Development as part of receiving CHIP funds which we have applied for this year and the amount allocated for 2005 was over \$600,000. If we do receive the \$600,000 this year, the CHIP program would have brought in well over a million dollars into the City of Wooster for community housing improvement. Ms. Cavin stated that she did receive the new CHIS this week and there was a housing action committee that has to meet three times to discuss the plan. There's a lot of useful information in the CHIS. At our March 7 meeting when the affordable housing for the elderly issue coming up, there were some comments made that we didn't have a need for any more affordable or elderly housing. Statistics were thrown around and some comments from Mr. Popp at Wayne Metro Housing, although according to this plan, WMHA was one of the agencies involved in this and quoting a portion of this document "Wooster's disabled population 65 years of age and over rose from 16.8% in 1990 to 40% in 2000." There's reference to elderly persons with disabilities needing special types of housing and "that a shortage of affordable supportive housing and services for the disabled exists locally" and that one of our strategies was "to promote and encourage more affordable housing in the community and to continue to encourage advocacy groups like Habitat and others to participate fully" and finally one of the things in the three priority levels (high need, moderate need and low need) identified by this group, in the high need was permanent housing for persons who are elderly and assisted living for low income elderly and unseen homeless in overcrowded living. Ms. Cavin stated that she did appreciate this report; it was very comprehensive and she had read it very thoroughly and she would ask that in the future when we have these affordable housing issues come up that this plan be reviewed before we make these decisions and vote on them. The other thing that concerned her was that this was on the agenda two weeks ago and the city didn't even receive this plan until late last week. The clerk apologized stating that prior to receiving the actual copy of the CHIS, the city had received a letter from the Ohio Dept. of Development stating that they had accepted it. She also said that copies would be made and distributed to all council members.

Upon roll call, motion to adopt the resolution carried unanimously.

Ordinance No. 2005-15 authorizing the Mayor to accept on behalf of the City of Wooster the donation of the construction of baseball fields for Freedlander Park was read by title, being on first reading. Ms. Cavin stated that we had heard comments about this earlier tonight during the

public input portion of the meeting. Mr. Malta had explained to her that the fences would not be in a permanent position; they would be mobile so that the field can be used for other events. There had been a concern raised at our last meeting by residents adjacent to the park about the woods being preserved and Mr. Malta assured me that this would have no impact on that at all. This was the existing area across from the pond. It's a wonderful thing that the Masons have come forward to offer this service to the community and it's a great thing for the young girls involved in this organization. A short discussion followed and Ms. Cavin moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Ms. Cavin moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion carried unanimously.

Ordinance No. 2005-16 authorizing the Mayor to enter into an amended agreement with Parallel Industries, LTD, for tax abatement, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was an abatement that was in place and has been for about three years now. They are being abated about \$1100 a year and what they found was that it was costing them more to fill out the paperwork each year than what the abatement itself was. They would like to take that ten-year term and condense it down to a three-year term and the abatement will be finished; they are up to date with all of their tax commitments. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-37 authorizing the Mayor to enter into an agreement on behalf of the City of Wooster with Wooster Summer Fastpitch, Inc. was read by title, being on first reading. Mr. Topovski stated that we have accepted the donations to change the field at Freedlander Park to three softball fields, which Wooster Summer Fastpitch wishes to utilize on a priority basis. In return for their priority use, they will be required to do some maintenance of the fields during the season. This resolution would authorize the mayor to enter into an agreement with them and let the parks and recreation division be responsible for scheduling of games so they can now have a home and regularly schedule events and provide maintenance in return for use of the fields. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Topovski moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion carried.

Resolution No. 2005-38 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for the replacement of a sanitary sewer line serving Woodcrest Drive and Sycamore Lane, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this was a budgeted expense with an estimated cost of replacement of this 1600 ft. of sewer line at \$190,000; however, the condition of this existing sewer was costing lots of money in maintenance and backups. The sewer has been video taped; it cannot be lined as it was too deteriorated and needs replaced. Mr. Silvestri asked how often we had to "jet" a sewer to keep it clean and maintained? Mr. Sigg stated that a sewer in good condition we get to about once every three years and that's considered good maintenance. We have hot spots, sewers that we know have structural failure and were prone to backup that we jet on a weekly basis. 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. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-39 authorizing the Director of Administration to enter into a technical services contract with Boylan & Cannon Electronics, Inc. of Akron, Ohio for maintenance services for city-owned two-way radios, and declaring an emergency was read by title, being on

first reading. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Ulbright, to adopt. Mr. Breneman stated that this would keep our two-way radios in good repair for the fire department, police department and two outdoor warning sirens and the a.m. radio station and service department radio equipment. These were radios that we do not want to fail and were very important for the safety and security of our city. Boylan & Cannon have been our service provider for about eight years and the contract amount was for \$17,000 and has been the same for the past three years. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-40 authorizing the Director of Administration to enter into a contract with Strawser, Inc. of Columbus, Ohio for repairing various streets, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Breneman, to adopt. Mr. Ulbright stated that this was a sole source contract with Strawser, Inc., the cost was \$20,600 and this would include about 20,000 lbs. of crack sealer for cement streets throughout the city. What this material does is to go in and conforms to the crack and actually prevents water from getting in and further damaging the street and would actually increase the life of the street. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-41 authorizing the Director of Administration to purchase items of specialized technology, to wit: four servers for the information technology division, and declaring an emergency was read by title, being on first 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 you're probably all experiencing some déjà vu – and rightly so as we did approve this at the last meeting. This would supercede and replace Res. 2005-35, so we're not passing this twice. The problem occurred in the wording which has been replaced in Section 2 “will not exceed the amount budgeted for this purpose in the various departmental budgets.” The last time we approved this, Section 2 had stated that it “will not exceed the amount appropriated for this purpose in the capital improvements fund.” These aren't in that fund so we're putting this in place so that the money comes out of the various departmental budgets to share the cost citywide. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-42 authorizing the Director of Administration to enter into an agreement with Wayne County for animal control services within the City of Wooster, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that the city has had a long-standing relationship with the Wayne County Humane Society. Several years ago when the Humane Society needed space, the city provided land on which they could build and in addition the city provided some operating funds for them which ended in the year 2002. Since then, they have been struggling financially and without additional income will most likely fail. They have provided us with packets of information and as you can see, their revenues were down and like most businesses, expenses continue to increase. As such, they have asked the administration to re-enter into a program of annual funding to assist with the service they provide for the city. They will be going out to other communities throughout the county asking for assistance as well. This resolution would be for a one-time payment for this year. There has been no money appropriated for this.

Mr. Ulbright stated that in the committee meeting that Mr. Topovski chaired, he thought the Humane Society made a very strong argument as to the service that it currently provides, particularly in the area of cats. He wondered someone from the humane society could review for

all of council what that problem was, cats versus dogs, in terms of dogs bringing in some revenue and what service that the humane society provides regarding cats. Ms. Mitten stated that the memo they had provided to city council was very succinct in approaching that issue, but if anyone wishes to address council on that issue, they have a couple minutes to do so. Mr. Nato stated that Mr. Ulbright was on point that we are a non-profit agency and none of us are comfortable with having to ask political agencies for funding. To clarify Mr. Ulbright's point, we currently have a contract with Wayne County to provide and act as a county dog warden. We provide safekeeping services as well as life termination services for dogs that are not adopted. Dogs are a more attractive commodity for most households and cats because they are feral in nature and do fairly well in the wild, can be found very easily in a box in someone's driveway with a sign that says free kittens. Unfortunately, those kittens end up on our lot. We are seeing a decline in the number of cats that we have to terminate, nonetheless, we do end up terminating the lives of about 72% of all cats that come into our shelter; we terminated over 2000 cats last year. We are able to recover some of the costs on canines because there is a market for them; cats take the lion's share of our services because they spend about 14 days in our shelter before they're terminated so there's no profit there. We just received notice recently that the landfill where we are currently sending carcasses will no longer accept those without additional fines at incremental costs. We are providing a service for the city; we were able to control 2000 animals last year and we are asking for an appropriate share of funds based on the number of cats coming to us from the city.

Discussion followed and this remained on first reading.

Resolution No. 2005-43 authorizing the Director of Administration to enter into a sole source contract with Boylan & Cannon Electronics, Inc. for the purchase of radio systems for the police division, and declaring an emergency was read by title, being on first reading. Mr. Silvestri moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Breneman, to adopt. Mr. Silvestri stated that the previous resolution we passed tonight was for technical assistance with reference to two-way radios and this was for replacement of two-way radios, specifically for law enforcement officers to communicate with each other. The total cost was \$27,080 and was a budgeted item in the equipment fund. The current radios were 9-10 years old and they no longer make these models so it's a problem getting replacement parts for them. We are replacing equipment that's needed for communication for our law enforcement officers need in order to respond appropriately and quickly to calls and incidents. Mr. Breneman asked how many total radios we had if we are replacing 43? Chief Thornton said that was all of their walkie-talkies. Ms. Cavin asked if he thought these would work better than the ones they are currently using. Chief Thornton stated that he sure hoped so; without getting into a long drawn out thing, our radio system is old and we've been replacing bits and pieces of it to get it updated and over the last couple years, we've replaced several antennas and will have to put a third up in the north end of town because of some dead spots up there. We hope the new radios will help to improve our communication system. Ms. Cavin stated that this type of thing did worry her; she would be willing to pay for extra bells and whistles to make sure these radios work properly. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-44 authorizing the Director of Administration to enter into a contract with Site Electric, Inc. of Macedonia, Ohio for the purchase of a traffic signal pole, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that this was to replace a damaged traffic pole that had been damaged in an accident at Burbank and

Highland Avenues. We have received approximately \$9,850 in insurance proceeds to put towards the purchase of a new pole. We will be moving the poles further away from the intersection to prevent this from happening in the future. Mr. Gilbert stated that there were currently four poles at that location and when we are finished, there will be just two – one on the northwest corner and one on the southeast corner. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-45 authorizing the Director of Administration to enter into a contract with Aeromark, Inc. of Streetsboro, Ohio for pavement markings of city streets, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that this was something we do every year where this company comes in for about \$24,900 for the purpose of painting the white and yellow lines on our streets. This company can do the job quicker and at a cheaper cost that if we did it ourselves and it leaves our maintenance workers free to do other work. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-46 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for milling various streets, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Breneman, to adopt. Mr. Ulbright stated that this was a different version of the resolution that what we received in our packets – this one makes it clear that we are participating in the ODOT cooperative purchasing plan to get the job done at a much cheaper cost. It was a budgeted item and a sole source because Kokosing Construction Co. was the lowest bidder on ODOT's cooperative purchasing program. This company will come in and do the priming and milling to repair numerous streets in Wooster and this will benefit us as they were also doing work close by on Route 30. A short discussion followed and upon roll call, motion to adopt carried unanimously.

Miscellaneous

Ms. Cavin said that she was a little frustrated with the housing situation aside from what she mentioned earlier. She called Mr. Newman today and she had also spoke with Mr. Sigg regarding complaints she had received about the condition of some of the rental properties in the south end of Wooster. She had taken some long walks throughout her ward and there were some real problems with some of the rental properties in the south end. The Mayor had brought up to her before and Mr. Sigg just did tonight that maybe we should take a look at changing some of our property maintenance ordinances and that would affect the owners of houses in Wooster as well but it had been her experience that a lot of the people who own property in her neighborhood are maintaining it to the best of their ability within the limits they were willing to go considering that the rental property around it was deteriorating fast. She had talked to people who were indicated that they were willing to put more money into their house but not until something happens with some of the rentals. There are some houses in her ward that she was sure weren't fit to live in. We just recently passed a resolution authorizing the CHIP application for \$612,000 that will hopefully help some of the owners and hopefully will help some of the landlords that were in a position to qualify for that funding. She also knew that there are neighborhoods in her ward and people she knew personally where there were whole blocks of elderly people who are finding themselves in a situation where they can't afford assisted living and they can't afford to go to an apartment and there's nowhere readily available they can afford that would help them with trips to the doctor, etc. and they are trying to do the best they can in

the houses they've owned for 30-40 years but can't maintain those houses either. She would like to see when some of these affordable housing issues come up again especially for affordable elderly housing like the recent one did that we do take a close look at it. There is a need there that the numbers do not show. She'd like to see something else done; she did feel the CRA was a wonderful thing to adopt and she had a lot of hope for the housing in her ward but the problem is not going away.

Mr. Topovski stated that there was a residence in his neighborhood that was about two-three years old and when it was built, they tore up a section of the sidewalk to extend the utilities and the sidewalk has never been replaced. It was at 1907 Highland Park Road and there was about an 8 ft. section of sidewalk that needs to be replaced.

Mr. Ulbright stated that all of you should have received a copy of the sidewalk replacement program put together by the city engineer and he hoped they would take the time between now and the next meeting to look through it. As you probably know, we have the necessary legislation to replace sidewalks that were in disrepair. He had spoken to Joel Montgomery to ask how much money we had available in the sidewalk fund and what's happened over the years is that we have gone from \$100,000 down to \$50,000 and this year we have about \$25,000 and the reason those funds have been decreased is because we as a council have not actually asked the engineer to use those monies for either replacing sidewalks that are deficient and/or to build new sidewalks. He had asked Mr. Montgomery where he thought we should start to fill in one of the gaps on a more well traveled streets that presently creates a safety hazard and on page one, Bever Street between 1144 N. Bever and 1328 N. Bever, there was no existing sidewalk. He would ask council to look this over and he had asked Mr. Benson to put together a resolution of necessity that he would sponsor. He would call an infrastructure committee meeting to discuss this as it would be an ongoing replacement and new sidewalk construction program and get a list of other problem areas in the city and prioritize them for the next few years. An infrastructure committee meeting was scheduled for May 25 at 5:30 p.m.

Mr. Buytendyk moved, seconded by Mr. Griffin, to adjourn. Motion carried and meeting so adjourned at 9:35 p .m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council