

CITY COUNCIL MINUTES  
October 3, 2005

President Protem Bob Breneman called the regular meeting of City Council to order at 7:30 p.m. in council chambers. Upon roll call, members answered present as follows: Breneman, Buytendyk, Cavin, Griffin, Silvestri, Topovski, Ulbright.

Mr. Silvestri moved, seconded by Mr. Griffin, to approve the minutes of the September 19, 2005 meeting. Motion carried.

Mr. Sigg stated that on behalf of the City administration he would like to express their appreciation to the College of Wooster for the annual Scot Day – we had approximately 175 volunteers in the parks who donated about 700 hours of labor. They sealed the deck behind Christmas Run pool, painted the bleachers there, 50 yds. of mulch at Knights Field, 3 tons of rubberized playground surface at ?, the Bob Tuck pavilion and fencing was sealed, 150 plants added at the Blessing Ave. entrance to Christmas Run.

The Clerk read a notice to the legislative authority from the Ohio Division of Liquor Control for a new C-1 and C-2 permit for Chef Thomas, Inc., dba Thomas' Deli & Market, 128 S. Market Street. Mr. Ulbright moved, seconded by Mr. Topovski, not to request a hearing. Mr. Buytendyk abstained from voting. Motion carried.

The Clerk read an email that Mr. Breneman had received from Susan and Irwin Reidner, 904 Forest Drive, urging Council's support of the legislation to tape and televise the proceedings of city council.

Jonathan Harvey, 888 Wildwood; Dave Winter, 947 Wildwood; and Nate Craft, 1067 Wildwood spoke against the assessments being levied against them for the E. Milltown Road Improvement Project and asked that council not accept the report of the Assessment Equalization Board as presented.

Ordinance No. 2005-29 authorizing the Mayor to execute an easement for an encroachment upon a public alley, and declaring an emergency was read by title, being on third reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that the speed limit signs had been installed on Rebecca Street, which should help the speeding on that street. Ms. Cavin stated a point of clarification was that this was not a permanent vacating of the alley and, if necessary, the chain could be removed in the future. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-77 amending Resolution No. 1992-43 by authorizing the Mayor to periodically provide for the filling of the swimming pool at the Ellen Shapiro Natatorium at Wooster High School was read by title, being on second reading. Mr. Topovski asked why this was before council as it was an expenditure of less than \$15,000. Mr. Dordea replied that it was an amendment to an agreement and since we are giving away a city resource/asset (water), council may grant the administration permission to do so. Ms.

Cavin moved, seconded by Mr. Topovski, to amend the resolution to recommend that “. . . this council authorize filling of the pool without charge once during the calendar year of 2005. . .” and the other change in Section 1 would state that “. . . the Mayor is hereby authorized to execute an amendment to the existing natatorium agreement by which the City as a partner in the agreement will provide for the filling of the pool without charge for the calendar year 2005, not to exceed \$5,000.” A short discussion followed. Upon roll call, motion to amend carried unanimously. . Mr. Topovski moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt the resolution as amended carried unanimously.

Resolution No. 2005-78 adopting a policy and procedure manual for the City of Wooster’s Community Housing Improvement Program was read by title, being on second reading. Mr. Breneman stated that this manual must be submitted to the State of Ohio Dept. of Development for the city to receive the CHIP funding. A consultant was hired to prepare the manual and it has been submitted, reviewed and accepted by the State. A short discussion ensued. 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. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-79 authorizing the Director of Administration to purchase items of specialized technology was read by title, being on second reading. Mr. Ulbright stated that this resolution had a very thorough discussion at first reading as well as a presentation prior to that meeting. A lengthy discussion of this issue followed. The consensus of council supported televising council meetings; however, there were concerns that this was not a budgeted item and that it should be held until next year when funds could be appropriated in the 2006 budget. The following citizens spoke in support of this issue: Karen Leedy (WCSCC); Keith Chambers (Clear Picture).

Informal Resolution proclaiming support of State Issue 1 by amending the Ohio Constitution to authorize the issuance of general obligations of the state to finance local government public infrastructure capital improvements, research and development, and the development of certain sites and facilities in Ohio, and to expand state and local government authority regarding economic development was read by title. Mr. Breneman stated that this issue would be before the public in the November election and the Ohio Municipal League supports this and asked our support of this issue by adopting this informal resolution. We have received Issue II funds in the past to help defray costs for our infrastructure; we will be using \$500,000 of these funds for the E. Milltown Road project. This will now be known as Issue I funds. Motion to approve the informal resolution carried unanimously.

Ordinance No. 2005-31 levying special assessments for the improvement of Winkler Drive between certain termini by grading, draining, widening, paving, realigning portions thereof, constructing curbs, gutters, sidewalks and driveway approaches; installing, where necessary, storm sewers, catch basins, manholes, sanitary sewers and traffic control signs,

and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto, 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 by a 6-1 vote; Ms. Cavin casting the negative vote. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that this was the last step in this project which started back in August, 2002 with the resolution of necessity. Mr. Ulbright reviewed the project and the assessment process used, stating that the final cost of the project was less than what was initially estimated. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-81 approving the report of the assessment equalization board on objections concerning the estimate special assessments for the E. Milltown Road construction project, as described in Resolution No. 2005-57, and declaring an emergency was read by title, being on first reading. (Discussion of this issue was over an hour and a half). Mr. Ulbright moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion failed by a 5-2 vote as follows: Topovski-yes; Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-no; Griffin-yes; Silvestri-no. Mr. Ulbright stated that the trip generation was used to apply the assessments for this particular project. He also thanked the efforts of the three gentlemen named to this equalization board. Mr. Ulbright stated that 95 objections had been submitted; the public hearing had been held and everyone had the chance to speak to the board to voice their objections and the board has submitted their recommendations for council approval. Mr. Ulbright reviewed the findings of the board as stated in the report and felt that the trip generation method used to make the assessments was the best one available. Mr. Montgomery explained the necessity of passing this tonight in order to proceed with the next ordinance allowing the city to complete the project in a timely manner in order to receive the Issue II funding. In order to receive this funding, we had to commit to a timeline schedule of beginning construction by November and in order for that to happen, we need to go to bid almost immediately. Some of these assessment proceedings have taken longer than what we anticipated. Mr. Montgomery showed council a schematic of the entire project including a layout of the streets and properties affected, a breakdown of the funding allocated for the project and how the assessments were estimated. Residents from Wildwood Drive once again stated their opposition to the assessments (J. Harvey, N. Craft, D. Winter); Doug Drushal spoke on behalf of Milltown Pointe Apartments stating their opposition to their assessment. Mr. Silvestri moved, seconded by Mr. Ulbright, to vote to reconsider the suspension of the rules. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried by a 6-1 vote as follows: Topovski-yes; Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-no; Griffin-yes; Silvestri-yes.

Ordinance No. 2005-32 determining to proceed with the improvement of East Milltown Road, between certain termini, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a pedestrian bridge over Little Apple Creek, installing storm sewers, catch basins, manholes, water

mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-yes; Griffin-yes; Silvestri-yes; Topovski-yes. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that this was an exercise in government; no one ever gets everything they want. People will still have an opportunity to appeal the final assessment; this is government and democracy in action. Upon roll call, motion carried by a 6-1 vote as follows: Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-no; Griffin-yes; Silvestri-yes; Topovski-yes.

Resolution No. 2005-80 authorizing the Mayor to cooperate with the Department of Homeland Security in utilizing the National Incident Management System, and declaring an emergency was read by title, being on first reading. Mr. Silvestri moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Buytendyk, to adopt. Mr. Silvestri stated that this actually came from the President of the US; it was presidential directive #5 through Homeland Security and also came through the state government. This had to do with the City becoming complaint with regard to the NIMS procedure (National Incident Management System) which would improve communications in the event of an emergency. This involves our employees to take an on-line course in NIMS and to be educated according to that. From our fire and police divisions, all but two employees have taken the course. John Wise from Wayne Co. Emergency Management Services, stated that most of the employees will be taking the test during their work time and by the time they are done (Sept. 2007), they will have to have completed four different courses. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-82 authorizing the Director of Administration to purchase vehicles in accordance with the Capital Plan for 2005, 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 unanimously. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that the Utilities & Collection Division have a 1991 350 Ford diesel truck with 75,090 miles and the mechanic said this particular truck was living on borrowed time, has frequent down time and a whole record of maintenance costs. This was a request to purchase an F350 and it could be purchased through the state sponsored cooperative purchasing program. Mr. Ulbright had spoken with Mr. Layland earlier this afternoon and Mr. Layland had called this vehicle a rolling warehouse, as it would include a toolbox for storage of tools and equipment. This was a request of just under \$90,000 - \$70,000 for the vehicle and \$20,000 for the toolbox. Mr. Layland stated that this was a first responder unit; we use it for daily use as well as responding in a timely manner to emergencies and this vehicle was necessary for the protection of the environment. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-83 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for the construction of a gravity sewer main sewer serving the Long Road/Canal Road area, and declaring an emergency was read by title, being on first reading. Ms. Cavin recused herself from voting. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Buytendyk, to adopt. Mr. Griffin stated that this was a gravity sewer line project we are all familiar with; this was a total of 7500 ft. of 12" – 24" sanitary sewer including 22 manholes. This amount was budgeted and we have a healthy enterprise fund to fund projects of this scope. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-84 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for replacement of portions of storm and sanitary sewers in the vicinity of Bever Street and Beall Avenue, and declaring an emergency was read by title, being on first reading. Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Topovski, to adopt. Mr. Griffin stated that we're looking at a fully budgeted project; it was a large project (\$786,000) and the funds come from a very healthy enterprise fund and was a benefit that the city has at its disposal. The project as stated was a separation of sanitary and storm sewers and we'll continue with the process throughout the city. This was an EPA mandate and was part of the comprehensive plan for storm sewer separation. Upon roll call, motion to adopt carried unanimously.

### Miscellaneous

Mr. Ulbright stated that he would like to remind everyone that the political signs going up around town are very expensive and he hoped that one would respect the right of property owners to have a sign for whomever they wish and the sign would be left unmolested through the campaign period (and off the tree lawns).

Mr. Silvestri thanked everyone for their patience tonight; the E. Milltown Rd. project had not been without opposition but he felt there comes to a point in time when you need to look at the whole picture and the whole project and what there is to gain by the project and he was thankful for the opportunity of concerned citizens to appeal that process.

Ms. Cavin stated that she would pass along her questions about the policy and procedure manual to Mr. Sigg via email with copies to council and Ms. Gehring. However, there was one thing she wished to address and that was the article in the newspaper stating that the Humane Society rescued 17 cats from a Palmer St. residence. This had been a very frustrating issue to the neighbors living around this house; you can literally smell this property from across the street sometimes. Both properties bordering this place have had to have their lawn treated for fleas. There are still cats in the house, as they couldn't catch all of them; some of the ones they brought out were dead; this is a disgusting mess. The people are moving but the house is probably not fit to live in and she would like to

ask Mr. Buytendyk if ever there was a time with the recent Humane Society appropriation, to look at an ordinance about cats and controlling these kinds of situations. She asked him, as chair of the Laws & Ordinances Committee, to possibly research putting a restriction on how many cats a person can have in the city if you're not a breeder and also to check into licensing cats.

Mr. Breneman stated that he would like to set a finance committee meeting in the next couple weeks and asked if there would be a convenient time for people to meet. It was decided that the committee members would get together and decide on a date and time and let the remainder of council know via email.

Mr. Topovski moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 10:45 p.m.

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Robert Breneman  
President Protem of Council

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Sheila Stanley  
Clerk of Council