

CITY COUNCIL MINUTES
April 15, 2013

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk 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, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner, and Jon Ulbright.

City Administration present: Director of Administration Joel Montgomery, Finance Director Andrei Dordea, and Law Director Dick Benson. Mayor Bob Breneman was out-of-town.

II. APPROVAL OF MINUTES

Ms. Knapic moved, seconded by Mr. Steiner, to approve the April 1, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Joel Montgomery introduced Jonathan Millea as the new Development Coordinator for the city. Mr. Montgomery also announced that there will be one final public informational meeting for the proposed income tax increase. The meeting will take place at 7p.m. on Tuesday, April 30, 2013 on the second floor of the Red Cross building.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Council received a notice from the Ohio Division of Liquor Control that Jakes of Wooster LTD would like to transfer its permit from 344 Riffel Road to 201 E Liberty Street for safekeeping. Ms. Knapic moved, seconded by Mr. Ansel, not to request a hearing. Motion carried unanimously.

The following members of the audience spoke: Mrs. Robin Lawson, 598 N. Main St., Shreve (Ord. No. 2013-16) and Mr. Tracy Boorman, 816 Quinby Ave., Wooster (Ord. No. 2013-16).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Buytendyk reminded council members that the Public Utilities Committee would hold a meeting on Monday, May 6, 2013 at 6:30p.m. in council chambers. Mr. Buytendyk added that Ms. Knapic will hold a public hearing at the regular council meeting on May 6th on proposed amendments to the city zoning code.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

1. First Reading – **ORDINANCE NO. 2013-16 AN ORDINANCE AMENDING CHAPTER 505, ANIMALS AND FOWL, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF NEW REGULATIONS PERTAINING TO ANIMALS RUNNING AT LARGE AND DANGEROUS DOGS (Knapic)**

Ms. Knapic thanked the audience members who attended the council meeting to support this ordinance and for educating her and other council members with respect to the need for this legislation. Ms. Knapic also thanked Police Chief Fisher for taking the time to explain to her the difficulties that law enforcement faces in trying to enforce the current law. Ms. Knapic noted that it is very difficult for a police officer to positively identify whether or not a dog is a specific breed. Further, that to obtain a DNA test involves the officer taking the dog into custody, transporting it to a veterinarian to get the test, and then returning the dog to the owner. Mr. Ulbright added that the current law was enacted when there were several dog bites that prompted council to act. However, Mr. Ulbright stated he believes it is more appropriate to hold the dog owner responsible as opposed to singling out a breed. Mr.

Cavin asked Chief Fisher how much easier this legislation would make it on the police officers to enforce the law. Chief Fisher replied that this change would make it much easier to deal with dangerous dogs because they do not have to worry about the breed.

Ms. Knapic moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. First Reading – RESOLUTION NO. 2013-38 A RESOLUTION 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 THE SAYBOLT AVENUE SANITARY SEWER LINE (Sanders)

Mr. Sanders stated that this resolution would allow the city to request bids for the replacement of the Saybolt Sanitary sewer line and noted that all of the funds for the project will come from the sanitary sewer fund. Mr. Silvestri asked how large of a portion of the line needs to be replaced. Mr. Montgomery said that based on the cost, the section to be replaced will likely a couple of blocks in length. The timing of this project as well as the Glenn Avenue sewer line are planned to coincide with the paving of West Liberty Street.

Mr. Sanders moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

3. First Reading – RESOLUTION NO. 2013-39 A RESOLUTION 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 THE GLENN AVENUE WATER AND SANITARY SEWER LINES (Sanders)

Mr. Sanders stated that this project involves replacing of a six-inch water line and replacing shared sewer laterals with a new sewer line. A portion of the funds for this project will come from the water fund and the majority of the project will be funded from the sanitary sewer fund.

Mr. Sanders moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

4. First Reading – RESOLUTION NO. 2013-40 A RESOLUTION STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.03, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR TERRITORY LOCATED ON THE EAST SIDE OF MELROSE DRIVE, NORTH OF ITS INTERSECTION WITH PORTAGE ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS, AND DECLARING AN EMERGENCY. (Morris Stutzman, Esq., Agent for Petitioners Bruce and Jodi Steiner) (Knapic)

Ms. Knapic described this legislation as council's statement to the county as to the services that the city would provide for the parcel of land if it is annexed. Ms. Knapic asked Mr. Stutzman to say a few words. Mr. Stutzman stated that when the improvements were done on Melrose Drive, this property was connected to the city water and sewer lines in exchange for which the property owners agreed to apply for annexation into the city corporation limits. Mr. Ulbright added that he is glad to see there will be one fewer "island" in the city. Mr. Silvestri noted that the properties on either side of this parcel were designated as county parcels and asked if it were known how many

parcels in that area were still in the county. Mr. Ansel responded that he believes there are five more parcels in that area that have yet to be annexed.

Ms. Knapic moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

5. First Reading – RESOLUTION NO. 2013-41 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE BURBANK ROAD RESURFACING PROJECT (PID 92632) (Ulbright)

Mr. Ulbright stated this agreement would allow the city to partner with ODOT for the resurfacing of Burbank Road. ODOT would cover 80% of the total cost of \$200,200.00 and the city would be responsible for the remaining 20%. All construction engineering, contract management, and inspections will be done by the city and ODOT will reimburse 80% of those costs up \$6,000.00.

Mr. Ulbright moved, seconded by Mr. Sanders, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

6. First Reading – RESOLUTION NO. 2013-42 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE OAK HILL ROAD RESURFACING PROJECT (PID 92621) (Ulbright)

Mr. Ulbright noted that the agreement for this project is very similar to the Burbank Road project in that ODOT will cover 80% of the \$360,000.00 cost and the city will be expected to provide the remaining 20%. Again, construction engineering, contract management, and inspections will be done by the city and ODOT will reimburse 80% of those costs up \$10,853.54. Mr. Ulbright also reported that the portion of Oak Hill to be repaved is currently cement and has become uneven as the ground underneath has shifted. Mr. Ulbright briefly described the process that ODOT will use to repair the road. Ms. Knapic noted that it is important to maintain our infrastructure so that we can be competitive in attracting new businesses and families to Wooster. Ms. Knapic added that if the city did not join with ODOT for these repair projects as the funding becomes available, then the city would be responsible for the entire cost of fixing its infrastructure. She stated these projects are necessary and the city is fortunate to be able to work with ODOT to defray the costs of the necessary repairs.

Mr. Ulbright moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

7. First Reading – RESOLUTION NO. 2013-43 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR RESURFACING WEST LIBERTY STREET (Ulbright)

Mr. Ulbright noted that this project will be in conjunction with the Glenn Avenue and Saybolt Avenue projects discussed earlier. ODOT would cover 80% of the total cost of \$195,000.00 and the city would be responsible for the remaining 20%.

Mr. Ulbright moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VIII. MISCELLANEOUS

Mr. Buytendyk announced that the Cleveland Clinic Foundation has offered to provide free CPR training to council members prior to a council meeting. He asked members to be thinking about a time that would be convenient to them for this training.

Mr. Silvestri asked if the Oak Hill paving project would involve any additional street lighting. Mr. Montgomery replied that the paving project does not include lighting and that could be considered separately if it is needed.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 8:32 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council