

**CITY COUNCIL MINUTES**  
**April 21, 2008**

**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. The following members were present: Jon Ansel, Mike Buytendyk, Jeff Griffin, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright. Mr. Griffin asked everyone to rise and join in the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

Mr. Silvestri moved, seconded by Mr. Steiner, to approve the minutes of the April 7, 2008 meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

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

- 1) New C1 and C2 liquor permits for Revco Discount Drug Centers, Inc., DBA CVS Pharmacy 03321, 2284 Back Orrville Rd. Mr. Topovski questioned the protocol for requesting a hearing to which Mr. Benson explained. Mr. Topovski expressed his concern over the amount of businesses selling liquor in this area and requested that a hearing be held in our county seat. Mr. Benson commented that generally in the issuance of a new permit it will be necessary to present evidence that the applicant is an unfit party by reason of a prior record of criminal violation or permit violations or that the proposed location is problematic from a history of crime, permit violations or alcohol related problems. He indicated the city's experience has been only when there is some sort of a track record that the liquor department will consider refusing to grant a permit. Mr. Topovski withdrew his motion. Mr. Ulbright and Mr. Silvestri indicated their disapproval of the liquor permit process. Mr. Ansel moved, seconded by Mr. Buytendyk, not to request a hearing. Upon voice vote, motion carried 5-2 with Mr. Topovski & Mr. Ulbright standing opposed.
- 2) New D1 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle, 4124 Burbank Rd., Unit C & Patio. Mr. Buytendyk moved, seconded by Mr. Ansel, not to request a hearing. Upon roll call vote, motion carried unanimously.

No members of the audience spoke. Mr. Griffin welcomed Boy Scout Troop 61 who were in attendance.

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Griffin reported there was a brief presentation prior to the council meeting from Ohio Vietnam Veterans Memorial Fund and they distributed information to council members and city administration. Mr. Griffin indicated a decision on this could be made at a later time.

**VI. OLD BUSINESS**

None.

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2008-12 AMENDING SECTION 539.03, FIREARMS, FIREWORKS, EXPLOSIVES, BOWS AND ARROWS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF AN EXCEPTION UNDER WHICH FIREARMS MAY BE DISCHARGED IN A PARK IN CONNECTION WITH CEREMONIAL OR MEMORIAL PURPOSES, AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk stated this amendment is being taken into account as there are certain Bicentennial events that are going to occur in the park which will include the discharge of antique firearms. The park has separate ordinances

from the general city ordinances. A similar ordinance was passed several years ago to allow the wild west show to occur at the fairgrounds. A permit will be required for these events. Mr. Buytendyk moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Buytendyk moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

2. First Reading - RESOLUTION NO. 2008-48 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT(S) FOR THE REPLACEMENT OF THE EFFLUENT SEWER AT SERVING THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated at the last public utilities committee meeting, Jim Borton, Manager of Utilities Division, gave a presentation in which he spoke of this sewer line leaking. Under high flow conditions the pipe has begun to erode beneath the plant driveway and dike walls placing them in danger of a future collapse. Therefore authorization is needed to replace the effluent sewer pipe under emergency conditions. The cost will cover bypass pumping and excavation to replace eroded soils. The replacement cost is less than relining the pipe. Mr. Silvestri moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Silvestri moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2008-49 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that every year the TIRC (Tax Incentive Review Committee) for the county reviews all ongoing enterprise zone requests. All council members received a packet highlighting each of the company's profiles, showing original investment projections and their current status. With the exception of some minor staffing projections, the enterprise zones are proceeding with their original projected investment levels and staffing levels. Mr. Ansel highlighted the six companies involved in the objective review process, Akron Brass, Gerstenslager Co., LuK, Inc. #1, Luk, Inc. #2, Frito Lay and Tekfor USA. In order to give council members time to review the information packet, Mr. Ansel indicated he would leave the resolution on first reading.

4. First Reading - RESOLUTION NO. 2008-50 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH O.R. COLAN ASSOCIATES OF FAIRVIEW PARK, OHIO FOR RIGHT OF WAY ACQUISITION SERVICES RELATED TO THE AKRON ROAD IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the purpose of the resolution is to approve entering into a contract with O. R. Colan Associates, who are ODOT pre-qualified, for right-of-way acquisition services for the Akron Road Improvement Project. It will be a non-competitive bid contract not to exceed the amount budgeted in the Permissive Tax Fund. The total estimated cost is \$69,050 (only \$57,900 will be authorized initially, with \$11,150 authorized only for additional services as required by ODOT). This contract is required by ODOT in order to obtain federal transportation funds. The Akron Road Improvement Project, Phase 1, is currently scheduled to receive \$1,936,000 in federal funds through ODOT. There are no alternatives to this situation. Joel Montgomery explained this project has already been authorized by ODOT and this is the next step in the process to obtain funding which will cover 80% of the construction costs. He answered several other questions. Mr. Ulbright moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ulbright moved,

seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

5. First Reading - RESOLUTION NO. 2008-51 AUTHORIZING THE DIRECTOR OF ADMINISTRATION, ACTING ON BEHALF OF THE CITY OF WOOSTER, TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR FUNDS FOR THE CONSTRUCTION OF A BIKE PATH IN CONNECTION WITH THE AKRON ROAD (SR 585) IMPROVEMENT PROJECT, AND IF AWARDED, TO APPLY SAID FUNDS ACCORDINGLY, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the total cost of this project is \$400,000, 80% funded by ODOT and 20% funded by the city. Upon completion of the project the city will: (1) provide adequate maintenance; (2) provide ample financial provisions, as necessary, for the maintenance of the described project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes. Mr. Ulbright feels that even though this project is not free to the city, it will enhance the city and the benefits will far outweigh the cost. This project is being requested in an effort to accomplish the goals of the City's Comprehensive Plan and the Parks and Recreation Master Plan, both of which address efforts to create efficient surface transportation to promote economic development and promote the use of bicycle and pedestrian transportation. This project is being planned in conjunction with regional plans for bikeways along scenic routes in the county, and in conjunction with organizations such as Rails to Trails and the Wayne County government. Joel Montgomery explained project details and addressed several of council's questions. Mr. Ulbright further explained there would be a standard sidewalk on the west side of Akron Road and the bike path on the east side. Mr. Ulbright moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

### VIII. MISCELLANEOUS

Mr. Ulbright reminded everyone of the Infrastructure Committee meeting scheduled for Monday, April 28, 2008 at 5:00 p.m. to discuss future sidewalk projects and parking on tree lawns. He also announced that on May 6, 2008 at 7:00 p.m. at the First Presbyterian Church, the Eccumenical Communities for Compassionate Ohio and Sustainable Energy Network of Wayne County will be sponsoring a program How Green is Our County, featuring Mayor Tony Middleton of Alliance, Ohio. It will be a round table discussion on the U.S. Mayor's Climate Protection Agreement. In other matters, Mr. Ulbright requested an update on the progress of Streetscape III and also asked that an updated truck traffic survey be done on the Palmer Street.

Mr. Topovski indicted he has the traffic study which was done two years ago on the heavy truck traffic on Palmer Street and will pass this along to Mr. Ulbright.

Mr. Griffin reminded council of the Secret Arboretum tour scheduled for Monday, May 19, 2008 from 6:00 – 7:00 p.m.

### IX. ADJOURNMENT

Mr. Buytendyk moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 8:20 p.m.

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Jeffrey M. Griffin  
President of Council

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Cheryl K. Collins  
Clerk of Council