

CITY COUNCIL MINUTES
April 6, 2009

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Mike Buytendyk, Bob Henery; Ed Schuch, David Silvestri, Jeff Steiner and Jon Ulbright. Mr. Ansel was absent. Mr. Silvestri welcomed new council member, Bob Henery.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Buytendyk, to approve minutes of the March 16, 2009 regular meeting. Upon voice vote, motion carried unanimously.

Mr. Steiner moved, seconded by Mr. Silvestri, to approve minutes of the March 30, 2009 special meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city and recognized new council member Bob Henery, who he appointed to serve the remainder of Keith Topovski's term as Ward 2 City Council representative. Mayor Breneman congratulated Wooster Community Hospital for being chosen as one of the Top 100 Hospitals in the Nation by Thomson Healthcare for the second year in a row. He also announced the City of Wooster has been selected as a finalist in the All-America City Award competition.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

None.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

City Council's Public Utilities Committee held a meeting on April 6, 2009 at 5:00 p.m. at the Water Pollution Control Plant, 1123 Old Columbus Rd., for an update of plant operations and discussion of pending legislation, Resolution No. 2009-45. Mr. Silvestri reported that Jim Borton gave a very thorough presentation on plant operations and issues the plant is encountering. They discussed construction of a \$2 million biotower which would allow for more efficient treatment of increased bio waste the plant is receiving. Mr. Silvestri indicated ATS has agreed not to bill the city for engineering services associated with designing the biotower until it is up and running and the plant is in compliance with EPA.

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2008-37 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED AT THE NORTHEAST CORNER OF SR 83 AND SMITHVILLE WESTERN ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (John Keating, Esq., Agent for Petitioners) (Buytendyk)
(Tabled)

Mr. Buytendyk moved, seconded by Mr. Steiner, to take Ordinance No. 2008-37 off the table for third and final reading. Upon roll call, motion carried unanimously (Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Buytendyk indicted there have been numerous meetings and resolutions involving this particular piece of property, referred to as the McCoy Farm. Recently council amended the city's zoning regulations to allow for an Agricultural Zoning designation, which would be contemplated for this property. Mr. Buytendyk stated this annexation has been widely discussed and due to time deadlines, he would recommend adopting the ordinance.

Mr. Buytendyk moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-no).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2009-10 AUTHORIZING THE TRANSFER OF PROPERTY TO THE BOARD OF EDUCATION OF THE WOOSTER CITY SCHOOLS, AND DECLARING AN EMERGENCY (Steiner)

Mr. Henery recused himself from discussion due to his employment with Wooster City Schools.

Mr. Steiner stated this was for the transfer of the U.S. Army Reserve Center located at 1676 Portage Road. The city had to go through a long involved process to obtain the facility from the federal government as it couldn't be directly transferred to Wooster City Schools. Now that the city has obtained ownership it will be transferred to Wooster City Schools. The property is adjacent to Melrose Elementary School and offers expansion opportunities for the school system. Mr. Steiner recommended suspending the rules and placing the ordinance on third and final reading, but being there were only 5 council members voting, the rules could not be suspended and the ordinance was left on first reading.

2. First Reading - RESOLUTION NO. 2009-42 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 (Steiner)

Mr. Steiner stated each year the city contracts with the Wayne County Humane Society for cat control services. At one time the city contracted dog control services through them also but that is now handled by the Wayne County Dog Warden. There has been a significant increase in the number of cats turned into the Humane Society on a regular basis with the majority coming from the Wooster area. Totals of incoming cats within Wooster City for 2008 were 1236 which is an increase from 33% to 60%. The cost of the contract will remain at \$30,000 and Mr. Steiner feels the city is receiving a full value from the Humane Society as their operating expenses are \$46,000. Mr. Ulbright indicated last year council requested the Humane Society contact other municipalities & villages in Wayne County to help finance the cat control services and questioned if that happened. Mr. Steiner stated the Humane Society requested those funds but their success has been very limited. Mr. Ulbright suggested educating citizens in an effort to help control the stray cat problem and to once again urge sister communities to financially help the Humane Society. According to Mr. Steiner, the Humane Society is offering community-wide inexpensive spay and neuter clinics to Wayne County residents and he suggested the city collaborate with them to help promote their efforts.

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

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

3. First Reading - RESOLUTION NO. 2009-43 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR A COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), AND, UPON APPROVAL, TO ACCEPT AND APPLY SUCH FUNDS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Steiner stated this resolution is to authorize the Mayor to submit an application for the Small Cities Community Development Block Grant Community Housing Improvement Program (CHIP) which provides financial assistance to local governments for the purpose of addressing local housing needs for low and moderate income persons for home improvement. The city submits the application, receives the funds and Wayne County Metropolitan Housing Authority administers the funds on the city's behalf, which is authorized in Resolution No. 2009-47. Mr. Starlin indicated the amount of the bi-annual grant is roughly \$575,000. Mr. Silvestri clarified the required public hearing, mentioned in the third whereas clause of the resolution, was held at 1:30 p.m. on April 6, 2009.

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

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

4. First Reading - RESOLUTION NO. 2009-44 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH OGLESBY CONSTRUCTION, INC. OF WOOSTER, OHIO FOR TRAFFIC MARKINGS OF CITY STREETS, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the estimated cost of this project is \$20,650 and is a sole source contract with Oglesby Construction, Inc. of Norwalk, Ohio for painting lane lines, edge lines and channelizing lines on city streets. This contract supplements the city's in-house street painting program and allows for completion of the street marking project in a timely manner.

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

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

5. First Reading - RESOLUTION NO. 2009-45 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES RELATED TO THE DESIGN OF A BIOTOWER FOR THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated he gave a committee report earlier in the meeting regarding this legislation, which authorizes entering into a contract with an engineering firm to design a biotower treatment process to "rough treat" high strength soluble waste and lower the organic loading to the WPCP. There was a consensus from the committee and other members of council, who were present at the Public Utilities Committee meeting, that this is the best option to solve the problem at the WPCP. According to Mr. Borton, Utilities Manager, there were approximately six different issues that came to a head at once to cause the problem. Mr. Silvestri expressed his appreciation to city administration for reviewing the different options and Mr. Ulbright thanked Mr. Borton for the very informative session and suggested communicating these facts to the general public so they can better understand the process. Mr. Buytendyk noted this would not result in a rate increase for consumers.

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

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

6. First Reading - RESOLUTION NO. 2009-46 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE DEMOLITION OF THE FORMER H. FREEDLANDER CO. BUILDING LOCATED AT 125 W. LIBERTY STREET, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated Freedlanders has been an icon in downtown Wooster and an important part of Wooster's history for over 100 years and he approached this legislation in a very deliberate manner. He toured the building and heard arguments for and against demolition. Mr. Ulbright indicated he would leave the legislation on first reading so council members could make up their minds and also give the public a chance to express their thoughts at the next council meeting. Mr. Ulbright called on city administration to present facts and reports in regard to the building's condition and answer several questions regarding how the Freedlander property fell under the city's auspicious, arguments for and against demolition and funding/costs of demolition. A lengthy discussion followed with Mike Sigg giving an overview and history of the Freedlander property, as outlined in the Freedlander Property Due Diligence Checklist (attached to the minutes). Justin Starlin detailed funding for the project and Mr. Monea spoke about the buildings disrepair and the amount of rehabilitation that would be needed in order for it to meet current building code standards. Mr. Ulbright commented that it would undermine the city's efforts in revitalizing downtown Wooster if the building was left vacant to deteriorate and invited members of council to tour the building if they wished. Mr. Buytendyk stated after listening to all the facts, he didn't hear one thing other than sentimentality that justified keeping the building and each day the project is delayed it exposes the city to potential liability. Therefore, Mr. Buytendyk urged council to move forward with the legislation and Mr. Silvestri agreed that the project should move forward. Mr. Ulbright asked city administration if a two week delay would affect the project's time frame. Mayor Breneman indicated it wouldn't cause serious problems, but agreed that everyday the building stands it exposes the city to liability and the sooner the project moves forward the better. He added if the legislation is approved it doesn't mean the building will come down immediately, it authorizes bidding for the demolition which could take up to a month. Mr. Ulbright stated the city is very fortunate to have a group of business people who are interested in constructing a beautiful functioning building, that is architecturally in tune with historic downtown Wooster, to replace the Freedlander building. After touring the building and hearing the many valid arguments, Mr. Ulbright agreed the building is a liability and asked if there were any objections to moving the legislation forward. There were none.

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

7. First Reading - RESOLUTION NO. 2009-47 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WAYNE METROPOLITAN HOUSING AUTHORITY FOR ADMINISTRATIVE CONSULTING SERVICES FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR A COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), AND DECLARING AN EMERGENCY (Ansel)

Mr. Steiner indicated this is the companion legislation to Resolution No. 2009-43 which approved applying for the CHIP program and this resolution would authorize Wayne Metropolitan Housing Authority to administer the funds once they are received.

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

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

8. First Reading - RESOLUTION NO. 2009-48 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE MOWING OF STATE HIGHWAY RIGHTS-OF-WAY WITHIN THE CITY, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated this resolution authorizes the city to enter into a contract with an outside contractor to maintain State highway right-of-ways within the city limits. Daryl Decker explained this is a housing keeping resolution to maintain medians and roadsides along SR 30, SR 250 and SR 83. The amount is budgeted and will not exceed \$18,000.

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

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

9. First Reading - RESOLUTION NO. 2009-49 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PAINTING OF THE SWIMMING POOL AT FREEDLANDER PARK, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner explained this resolution is to authorize a contract with the lowest and best bidder for painting of the bottom of the swimming pool at Freedlander Park. The project will not be done until the end of the swimming season, but this will begin the bidding process so once the pool closes in September it can be prepared and painted. The cost of the contract is budgeted and will not exceed \$40,000. The pool was last painted in 2001 and in order to protect the concrete floor it is usually painted every 5-7 years. Mr. Ulbright questioned if there was a reason the painting had been delayed or if there was a negative result because it hadn't been painted. Susan Kelley indicated there wasn't but feels it is imperative to take care of it this year to prevent any issues. Mr. Henery asked why the painting couldn't be done before the season began and Ms. Kelley explained the pool opens Memorial Day weekend and the paint has to cure a certain amount of time before the pool can be filled.

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

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

10. First Reading - RESOLUTION NO. 2009-50 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CDP ENGINEERS, INC. OF CINCINNATI, OHIO FOR ENGINEERING SERVICES RELATED TO THE DESIGN OF OAK HILL PARK, AND DECLARING AN EMERGENCY (Steiner)

Resolution No. 2009-27, authorized the Mayor to submit a grant application for grant monies to purchase approximately 100 acres of undeveloped land from the Noble Foundation for use as a park. Mr. Steiner stated grant monies have been awarded and a donation has been received from the Noble Foundation to acquire the land. The next step in the process would be to retain an engineering firm to design the park so when the actual transfer of property occurs the development of the park can begin. Mr. Steiner noted there is \$100,000 budgeted for design work but \$120,000 is being requested. He asked what would happen to the overage if the work is done for less. Daryl Decker explained any unused money would be returned to the budget and the request was increased because the actual cost of the design contract is unknown at this point. Mr. Steiner asked if there is a timeline for design services to be completed and Mr. Decker stated they have a window of time for the development to begin and any delay could delay the start of the project set for Spring of 2010. Mr. Ulbright requested council be kept up to date on the project's progress.

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

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

VIII. MISCELLANEOUS

Mr. Ulbright scheduled an Infrastructure Committee meeting for Monday, April 20, 2009, at 6:00 p.m. in council chambers of City Hall to choose a sidewalk project for the year 2009. The amount of \$50,000 is budgeted for sidewalk construction and there is a list of sidewalks needed around the various city schools. Mr. Ulbright requested that all members of council receive a copy of this list and try to attend the committee meeting.

Mr. Buytendyk welcomed Mr. Henery to council.

Mr. Henery stated he is looking forward to serving on City Council.

Mr. Silvestri thanked the Wayne County Sheriff's Department for having a clean up crew pick up trash in the northend of Wooster. He also verified the taxi service rate was increased from \$2.50 to \$3.00. Mr. Silvestri passed on a thanks he had received to the Utility Division for looking into a drinking water issue in the Deer Creek area.

IX. ADJOURNMENT

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

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council