

CITY COUNCIL MINUTES
SPECIAL MEETING
August 10, 2007
5:30 p.m.

I. ROLL CALL & ORDERING OF AGENDA

President Pro Tem Bob Breneman called the special meeting of Wooster City Council to order at 5:30 p.m. in council chambers. The following members were present: Jon Ansel, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

Mr. Breneman asked for a vote of council whether to hear the full agenda or just Ordinance #2007-41. Mayor Mitten indicated the items added to the agenda were necessary items which needed to be taken care of. Mr. Breneman explained that he spoke with the managers who have the additional items on the agenda and they felt it would not harm them if the items were held until the regularly scheduled meeting on August 20th. A voice vote was taken and all were in favor of proceeding with the agenda as printed, which included the new items.

II. PUBLIC HEARINGS

Mr. Ansel conducted the public hearing regarding Ordinance #2007-41, the proposed re-zoning of property located on the south side of Milltown Road, between Commerce Parkway and Oak Hill Road, from C-1 (Offices and Institutional) to C-3 (Community Shopping Center). Mr. Griffin and Mr. Topovski both recused themselves from the discussion.

The following members of the audience spoke regarding the proposed re-zoning: Jane Patterson (1810 Pine Cove Dr.), Vera Rouhier (960 Oak Hill Rd.), Alan Poulson (4812 Emalene), Mike Tignor (132 Walnut St.), Andrew Lewellen (1607 Burbank Rd.), William Armstrong (3640 Quail Hollow), Susan Riedner (904 Forest Dr.), Erwin Riedner (904 Forest Dr.), Doug Drushal (225 N. Market St.), Kevin Breeden (620 Arlington Dr.), Larry Shirer (3363 Oak Hill), Inez Shirer (3363 Oak Hill), Elena Sokol (1019 Forest Dr.), Elaine Mosier (1176 W. Milltown), Jeff Donahue (Oak Hill Church of Christ), Steve Griffin (4539 Mel Lane), Greg Gehris (347 N. Grant), Larry Stern (Canterbury Lane) and John McCord (Wayne Ave.).

III. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2007-41 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A C-3 (COMMUNITY SHOPPING CENTER) DISTRICT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MILLTOWN ROAD, BETWEEN COMMERCE PARKWAY AND OAK HILL ROAD. (Ansel)

Mr. Breneman explained the legislation would remain on second reading as there would not be enough votes to suspend the rules, due to Mr. Griffin and Mr. Topovski being recused from the discussion/vote. Mr. Ulbright thanked the audience for their comments and for bringing up very vital points. He feels Wooster received the Best Hometown award due to the unique qualities of our business, service and residential community, not the major chain stores we have. He believes the citizens have a right to say what kind of future Wooster will have. Mr. Ulbright also addressed several other issues brought up by Mr. Drushal, the developer's attorney. Ms. Cavin stated she would not support the legislation the way it stood as there were too many unanswered questions. She isn't anti-business, but is pro-people and pro-neighborhood and feels the residential neighborhood surrounding this re-zoning will pay the price and is concerned what type of retail can be put in that area. It's not that she won't support a zoning change under any circumstance, but needs to know if this developer will improve the infrastructure, inside and outside of the city limits on Oak Hill. Val Jesionek, Planning & Zoning Manager, explained any type of retail could go in a C-3 but a car wash, theatre, storage facility or automobile sales/repair. Any other type of office, retail

services whether its big box, a strip center, stand alone, grouped together, all of these uses can go in a C-3. The only other district that supersedes C-3 and allows the uses not enumerated in this district, is C-5. The C-1 district is for institutional and offices, not a retail district although it does permit commercial businesses, like a beauty salon/barber, medical facilities, professional offices or administrative offices. Mr. Silvestri indicated he is 100% for competition between businesses, as it provides the consumer the highest value at the lowest cost, but realizes the balance between residential and business is not an easy balance to maintain. He feels if it's the best interest of the city for this property to remain a C-1 district, than he is not opposed to that and council needs to look at the big picture and see what is best for Wooster's future. Mr. Breneman stated he has had several concerns voiced to him, one being traffic. A traffic problem does exist, but it is outside the city limits and it becomes a more complicated issue involving county and city officials along with property owners. Oak Hill and Milltown are both arterial streets meant to carry traffic and they will continue to carry more traffic as the city grows. Mr. Breneman feels we are fortunate that the developer asking for the rezoning is a very reputable group who try to help solve the problems and don't just force the issues. The other topic of concern is buffering against the school property which is extremely important. He indicated the northend did not just happen. A lot of planning went into it. People use to go out of town to shop but the northend development has pulled a lot of dollars back into our community that were leaving. Good planning needs to be in place to control the growth and several housing developments north of the retail businesses were put there with a plan to control retail growth. Someday there will be another area, but the plan has been in place and has worked well and that is the reason this zoning is so important. With the zoning code we can control what happens within the city, but once outside the city limits we do not have control. Mr. Breneman stated he has not reached a decision on this but listens very closing when the planning commission gives a unanimous approval. Mr. Ansel recalled issues and concerns expressed twenty years ago when the northend was being developed. Now we have an active northend that generates property tax and sales tax. The impact on housing are very valid concerns if development is not done properly, but the city has one of the best planning and zoning departments to deal with those issues. He indicated housing continues to grow in the northend too and that some people do choose to live near retail businesses. If the large box stores want to come into Wooster, they will come. Whether its at this location or just outside the city limits and then look at an annexation proposal, those are things that will be discussed. The most important point is expansion without proper infrastructure is gross negligence. Mr. Ansel stated the Laws and Ordinance Committee is going to look at creating fees that would justify these type of expansions by the developer so the city does not fund it. There are traffic problems especially once outside the city limits, but expansion without proper infrastructure is what needs to be addressed. Mr. Ulbright added that we can work toward the improvement of that intersection by keeping the zoning at C-1. He feels the point of diminishing returns can be reached with more and more big box stores coming in and it will be interesting to see in the future if there is a real cap on retail on SR83.

Dick Stull (256 South Columbus) spoke regarding the portable stage.

IV. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-43 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman stated the taxi program usage for 2007 has been more than anticipated, possibly due to the cost of transportation with higher gas prices, etc. Mr. Malta, Parks & Recreation manager, handles the tax program and recommended \$100,000 be appropriated to the taxi program from the general fund. Mr. Malta stated the taxi use has increased as more people are using the program and they are trying to anticipate how much more money will be needed to make it through the end of the year. Social service agencies are coming forward and providing this service to their clients by buying the passes. In addition, taxi companies have increased their fees. Mr. Breneman explained that prior to April 2007 people utilizing the taxi service paid \$2 per ride and the city was billed \$3.50 per ride, so the city was picking up \$1.50 per ride. In April costs were raised, the client still paying \$2 per ride and the city paying \$2 per ride. The fee to the client was not increased. Mr. Ulbright feels this is a great service that is being offered, but thinks there should be a funded feasibility study throughout the county to see if a county-wide public transportation system is needed. Mr. Ulbright would like the county commissioners to take another look at

the need for a county-wide public transportation service. Mr. Ansel indicated the cost of transportation is up significantly and he would propose looking into participation of rider-ship in terms of sharing some of the costs increases, not the emergency or critical situations, but to promote discretionary travel. Mayor Mitten indicated since the taxi service program has been running, this is the second increase that the cabs have made. The first increase was absorbed by the client and this increase was absorbed by the city. Ms. Cavin supports this action and feels \$2 is reasonable for a ride, but noted it is actually costing the city more than that. She questioned whether the city has followed up with the county regarding a county-wide transportation program and wonders how much residents of the city/county are paying for Wayne/Holmes/Tuscarawas transportation and turning around and partially funding the city's taxi service. Business practices would be well applied to see if we are duplicating services. Mayor Mitten indicated she has had dialog with a couple of the county commissioners but does not have all the details and will check into it. Mr. Griffin too supports this program and feels maybe there should be a survey as to who is using the program. He wanted to remind everyone that sales tax subsidizes the funding for programs like these. Mr. Silvestri too feels people need to conserve their trips and make efficient use of their fuel. He is happy to hear there is increased usage in the taxi program as he has been asked how much public awareness there is of the program and is glad there seems to be plenty. Mr. Breneman recalled the city's bus system was going to cost the city almost half a million dollars to run and we are now essentially meeting the needs of people that need public transportation for around \$200,000 with this program, not to mention its door to door instead of waiting at bus stops. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

2. First Reading - ORDINANCE NO. 2007-44 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman indicated all council members should have received a memo from Mayor Mitten concerning Don Bell Park which is owned by the city and located beside the water tower at the hospital. The hospital would like to purchase this property in order to improve their campus for future potential growth. The cost of the property is \$85,000 which would be transferred from the Hospital Plant Fund cost center to the Capital Improvements Fund cost center in appropriation for the portable stage project. Mr. Griffin commended the creativity on this and believes it is a good idea but questioned why the portable stage legislation was included in this legislation, as it is a separate issue. Mr. Sigg indicated the money must first be appropriated and authorization is needed for the purchase. Mr. Griffin questioned if the portable stage legislation was not passed, what would happen with the \$85,000. Mayor Mitten indicated the legislation is to accept the money from the hospital. The hospital will use the property for necessary parking required by the building and zoning code for their new medical office building. The Mayor presented the option of a portable park to the Board of Governors as she knew the Parks and Recreation stage had been destroyed and the city was having to rent other communities' stages. Mr. Sigg stated that even though the money is appropriated, it cannot be spent if the second piece of legislation is not passed. Mr. Breneman felt the money would be earmarked for a portable stage and thought either the discussion should be opened up to discuss both issues or make an amendment, striking the wording appropriating the money for a portable stage. If an amendment was passed, the money would be available in the Capital Improvements Fund, but it would not be tied to a line item. Mr. Silvestri was concerned that there would be the lack of a park in that area, which was being replaced with a portable stage. He questioned the possibility of having a small piece of green space in the future, near that neighborhood, to replace the existing park. Mr. Silvestri, though in favor of the fact that the park does not belong at the current location anymore due to the changes around it, wanted to speak up for that neighborhood. Mayor Mitten indicated the hospital is considering several parking options that will be needed with future growth on their campus and wanted the flexibility to use this land for that, but there is additional land that could be considered. Mr. Breneman indicated he had received comments that it was nice having an area to take small kids to while visiting someone in the hospital and hoped some type of play structure would be retained somewhere on the campus. Mr. Griffin made a motion to remove the language "and appropriated in that fund for the portable stage project" from Section 1 of Ordinance No. 2007-44, seconded by Ms. Cavin. Mayor Mitten asked them to reconsider the amendment and to only strike the wording "for the portable stage project". Mr. Dordea explained if

all the wording was removed and Resolution No. 2007-72 was passed, it would need amended. He also added that \$85,000 could not be spent without council approval on any project. Mr. Griffin made a motion to remove the language “for the portable stage project” from Section 1 of Ordinance No. 2007-44, seconded by Ms. Cavin. Upon roll call, the amendment to the ordinance carried unanimously. Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt the amended ordinance. Upon roll call, motion to adopt carried unanimously.

3. First Reading - ORDINANCE NO. 2007-45 LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF SIDEWALKS AND CURB RAMPS ON PORTIONS OF EAST HIGHLAND AVENUE; AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated this is the final piece of legislation to collect the easements needed to install sidewalks on Highland Ave. The majority of the property owners are paying for the sidewalks themselves and there is only one lot the city had to contract out. The intersection was paid for from city fees so it could not be assessed to anyone, but this final fee of \$1,286.49 will be assessed to the one property owner where work had to be contracted out. Mr. Topovski felt it was necessary to pass the legislation so the fees could be assessed and collected as soon as possible. Mr. Topovski was glad to see the final sidewalks were in and look nice. He believes the neighborhood and the schools appreciate them as they now have sidewalks on that side of the street to walk on. Mr. Topovski moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - ORDINANCE NO. 2007-46 AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Mr. Breneman stated the hospital board of governors is responsible for the hospital facilities and planned purchases are included in their annual budget. The property at 1710 Gasche Street just became available and therefore was not put forward in their annual budget and needs council approval to do so. The hospital board fully recommends this purchase as it will be an addition to the campus which is landlocked. Mayor Mitten, Chairman of the Hospital Board, indicated the board has already purchased one house on Gasche Street, which was budgeted, but this second property came up for sale and they decided it would be in the best interest of the hospital to purchase it also. Mr. Breneman spoke with Mr. Sheron, CEO of the hospital, who indicated there were seven properties in the area of Winter and Gasche and the hospital is now the owner of four of them. Mr. Breneman moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

5. First Reading - RESOLUTION NO. 2007-71 AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT IN ON BEHALF OF THE CITY OF WOOSTER FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF DRINKING WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN. (Griffin)

Mr. Griffin stated everyone should be familiar with the project, but he was unable to speak with Joel Montgomery and since it is a large sum of money, he asked the administration to elaborate on it. Mr. Sigg explained the city can borrow money through the Water Supply Revolving Loan Account for new construction at 3.5% interest rate which is below market interest rates for compliance related to the improvement of water systems. Mr. Griffin feels the administration is using the best access to available money to local governments for such an expensive project and this would put us in the best position that we’ve been able to find in terms of repayment of a loan. Mr. Ansel questioned if we have total capable reserves and if there were other interest accruing financing methods available. Mr. Dordea explained the cheapest source to borrow money is always sought and the city’s cash is earning more

interest than the cost to borrow the WSRLA 3.5% interest rate, so it is actually a double benefit. Mr. Breneman feels this is the cheapest way to fund the water towers. Mr. Griffin moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

6. First Reading - RESOLUTION NO. 2007-72 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE A PORTABLE STAGE FOR THE RECREATION DIVISION, AND DECLARING AN EMERGENCY. (Cavin)

Ms. Cavin feels the purchase of a portable stage is a great idea for the city. The 24 ft. stage expands to 16 ft. wide, has a hydraulic leveling system and will be painted with City of Wooster graphics. She commended the mayor, parks & recreation and all those involved who had the insight to look ahead and see what this could be for the city for many years to come. She feels it is a good transfer for the park and agrees it would be nice to have green space at the hospital, but the current park is outdated and will cost the city to upgrade it. The location is not very pleasing and the hospital does need the property. Mr. Malta explained that usage guidelines and rental fees need to be established for the new stage. There is a plan to sell advertising on the side of the stage to generate maintenance revenue. Mr. Malta indicated in 1982 two hay wagons were donated to the city and that is what has been used as stages over the years, with several modifications. This spring a storm damaged the trailer and it was determined they were no longer safe to use. Don Bell Park has a helipad next to it, part of the park is the parking lot and water tower and the equipment is very outdated. In order to support giving up the park, Parks & Recreation felt there needed to be some value given back to the parks. The Mayor was able to work it out so that the hospital would give the city \$85,000 to purchase a needed stage for the community. Mr. Ulbright questioned how those renting the stage would be able to pull it and the possible damages that could result from renting it. Mr. Malta indicated part of the rental fee would be for someone to deliver the stage, set it up, remain with it during the event and tear it down. Mr. Griffin questioned how many times the hay wagons were used a year and Mr. Malta estimated under 30, but felt this particular product will create a lot more interest. Mr. Griffin also questioned what type of revenue it would create and if the new policy would require everyone using it to pay a fee. Mr. Topovski questioned if the fee schedule would be established through the Laws and Ordinance Committee or through administration and then brought to council. Mr. Sigg stated the fees would be developed and brought before council. Mr. Breneman agrees that the city does need a stage but would feel more comfortable if numbers were put together on anticipated usage, fees and a timeline on recouping the investment. He asked if the legislation could remain on first reading until more information could be provided. Ms. Cavin held the legislation on first reading.

7. First Reading - RESOLUTION NO. 2007-73 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF ASPHALT FOR NECESSARY STREET REPAIRS, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated that earlier in the year council passed a resolution authorizing the purchases of asphalt and concrete for necessary paving and repairs to the streets and a contract was entered into for such purchases with Kokosing of Wooster. Since then Kokosing entered into a state contract to furnish asphalt for the SR250 paving project and are mandated to continue that supply. They notified the city that they were no longer able to supply asphalt for top coat paving and therefore the city had to find other suppliers. CCR Asphalt, out of Lodi area, has been supplying the asphalt and although their price is a little less, transportation costs are more due to the further distance. The basecoat Kokosing is supplying for the SR 250 project takes a larger grade of aggregate and is not suitable for the topcoat work we are needing. It is necessary to continue with the paving projects to facilitate our summer street paving schedule. Mr. Breneman pointed out that we did enter into a contact with Kokosing and Mr. Sigg indicated they would provide the top coat, but it would not be for a month or two. Mr. Topovski moved, seconded by Mr. Ulbright, 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 carried unanimously.

V. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 8:15 p.m.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council