

CITY COUNCIL MINUTES

August 20, 2007

7:30 p.m.

I. ROLL CALL & ORDERING OF AGENDA

President Pro Tem Bob Breneman 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, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Ansel moved, seconded by Mr. Griffin to approve the minutes of the July 2, 2007 meeting.

Mr. Silvestri moved, seconded by Mr. Griffin to approve the minutes of the July 9, 2007 special meeting.

Mr. Topovski moved, seconded by Mr. Breneman to approve the minutes of the August 10, 2007 special meeting.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten gave several updates: Christmas Run pool operating hours/schedule; costs of pool/sprayground operations; information on the last traffic study done on W. Milltown Road which was in 2002 by Lowes who paid for the traffic study, road improvements and signal at Burbank; and also introduced plans for the city's new recycling program

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Notice from the Ohio Division of Liquor Control, Chef Thomas Incorporated, dba Thomas Deli & Market, 128 S. Market Street, filed for a new D1 liquor permit. Mr. Ulbright moved, seconded by Mr. Griffin, not to request a hearing and all were in favor.

The following members of the audience spoke regarding the proposed Milltown re-zoning: Clarice Massaro (646 E. Bowman St.); Jane Patterson (1810 Pine Cove); Inez Shirer (3363 Oak Hill); Lou Paumier (3369 Oak Hill); William Armstrong (3640 Quail Hollow) and Greg Gehris (347 N. Grant).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Third 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. Griffin and Mr. Topovski recused themselves from the discussion. Mr. Ansel stated at last week's public hearing there were two reoccurring issues of concern, buffering and traffic flow, of which neither were clearly defined by the developer. The other factor was the market, demographics, spending patterns and investments that corporations will be making the area, which may not be relevant issues for council to address, but based upon his research, Home Depot has no plans of coming to Wooster. Investors dealing with market expansions perform much more in-depth market research than he did and would know with a high degree of certainty whether their store is going to be successful or not in Wooster or Wayne County. Council's responsibility is to review the complete facts before making a decision representing the majority of the citizens of Wooster. He has been informed that the developer would like to have the opportunity to present more formalized plans relating to traffic flow, buffering, infrastructure improvements that might be required. Mr. Ansel asked for discussion but felt he would like to table the vote pending additional information from the developer. Doug Drushal, attorney representing the developer, indicated they would like the legislation to be tabled so they can provide additional information and also perform a traffic study at their expense. Ms. Cavin stated she supported tabling the legislation so further research can be done by the developer. Mr. Silvestri too felt more information was needed. He is not in favor of any type of development that would cause the high school or residential properties to decrease in value. If some of the needs can be met and some of the issues solved, his mind may change but, he does not support the request in its current form. Mr. Ulbright indicated he has done some research, paid close attention to the audience comments and doesn't think a traffic study will change his mind. He would like to see the intersection improved in

the future when it becomes part of the city and believes that can be done without changing the zoning. Mr. Breneman looks forward to seeing the traffic study as he is still weighing the options in making a decision and thinks C-1 zoning is a nice fit for the area. Mr. Ansel made a motion to table Ordinance #2007-41 pending additional information from the developer, seconded by Ms. Cavin. Upon voice vote there was a 4-1 vote with Mr. Ulbright standing opposed.

2. Second 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 stated this legislation is to authorize the purchase of a community stage with money received in exchange for the Don Bell Park at Wooster Community Hospital. The hospital would like to expand their parking area due to future growth and the Don Bell Park is outdated and deemed unsafe. Mayor Mitten explained how the concept was put together with the hospital. Mr. Silvestri asked if there were any plans for a permanent green space at the hospital to be used as a public park or fenced in area for young visitors at the hospital. Mayor Mitten indicated there would be some sort of green space made available and also that Don Bell would be honored in some form. Mr. Topovski stated he is in favor of the resolution but questioned the location of the new helipad, which Mayor Mitten indicated has not been decided. Mr. Griffin stated he does not feel this is a bad idea and doesn't debate the method or solution, he is however concerned with the business plan and how it will generate revenue. He does not know if we should be in the entertainment business of renting a stage but rather providing city services and though this would be a nice venue to enjoy events, he is not sold on the fact that this amount of money needs to be spent in order to do that. Mr. Griffin asked where the stage would be stored and Mr. Malta said they plan to store it at the maintenance building. Mayor Mitten indicated a business plan can be put together but feels that is an administration decision. Mr. Ulbright asked if this was a top priority for parks and recreation and Mr. Malta indicated it was a very important piece of what they are trying to accomplish. Mr. Ulbright also questioned operation costs but believes the administration will develop a plan that will meet those costs and will develop a market for it. Mr. Breneman stated he is not opposed to the idea of a stage as many downtown events benefit by having a reliable stage but he struggles with the cost. He did not feel a business plan would be out of line showing a revenue stream. He also questions if the money should be put towards the Noble park land which council has already committed to. Mayor Mitten stated we do need a stage as we do not have one. There are many avenues parks and recreation can take with funding of the stage and she feels they should have the opportunity look into those. She also feels it is important to get the stage ordered soon, as the Bicentennial events begin in April and the issue of sponsorship would need to be looked into before then. Mr. Ansel commented if the hospital donated the Don Bell Park property to the city to be used for the purchase of the portable stage, would the trustees be offended or upset if the money was not used for that purpose. He also feels the operating and deployment costs of the stage have to be covered/charged, otherwise it will not be operating effectively. Mr. Silvestri too questioned if the park donation was earmarked for the stage purchase and feels they should be two separate issues. He asked if there was revenue generated from the old stages and Mr. Malta indicated they were rented out and some revenue was established, but certain groups did not pay for the use of the stage, but feels the new stage would be much more marketable. After hearing the concerns of council members, Ms. Cavin decided she would hold a Public Health & Leisure committee meeting to discuss this and would have a recommendation to present council at the next meeting. She will notify everyone when the meeting will be and encouraged council members to voice their questions and concerns to the committee. Mr. Breneman noted the legislation had its second reading.

Mayor Mitten requested an executive session to discuss pending litigation. Mr. Silvestri moved, seconded by Mr. Ansel, to go into executive session. Upon roll call, motion carried with a 6-1 vote with Ms. Cavin opposing. Council adjourned at 8:55 p.m. for executive session. Council returned at 9:17 p.m. and Mr. Griffin moved, seconded by Mr. Silvestri, to reconvene from executive session. Upon roll call, motion carried unanimously.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-47 AUTHORIZING THE LAW DIRECTOR TO EFFECT A SETTLEMENT AGREEMENT FOR THE PURPOSE OF RESOLVING PENDING LITIGATION, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated this ordinance deals with a property owner's appeal of the Milltown and Melrose improvement assessments. Independent council has determined that the assessment does not benefit the property owner and as such it has been recommended that we mitigate and come to a revision on the assessment of this property. There being no questions or discussion, 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. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

2. First Reading - ORDINANCE NO. 2007-48 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE REFUNDS TO CERTAIN UTILITIES CUSTOMERS, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman indicated that prior to implementing a city-wide storm sewer utility charge, residents on E. University Street were assessed a storm water utility charge. Once the charge became city-wide, the E. University Street residents were getting double charged, so the city has been crediting the overpayment by a monthly reimbursement on their utility bills. Mr. Dordea presented a memorandum and chart showing payments made and amounts still owed to these property owners. Mr. Breneman indicated it would take anywhere from 15 to 53 years to return the money by way of a monthly credit. The city is implementing a new utility billing system and the finance department is proposing to reimburse the total amount due to these residents and clear this out of the system. There being no questions or discussion, 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. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

VIII. MISCELLANEOUS

Mr. Ulbright questioned why the two recent special council meetings were not video taped as he felt there were some extensive discussions that would have been beneficial to have been recorded. Mr. Breneman said there is a contract with Murr's to tape all council's regularly scheduled meetings but there is not a provision for the taping of any special meetings and that should be considered when moving into a new contract. Mayor Mitten stated there is a provision in the contract that for an extra cost Murr's would tape additional meetings. She will provide copies of the current contract.

Mr. Topovski stated at the last meeting additional funds were appropriated for the taxi service and since then he has heard from both social agencies and taxi users that there are ongoing problems with the cab companies charging extra fees and also doubling up on fares when picking up additional riders. He would like those issues to be looked into.

Mr. Silvestri challenged the city administration to get a commitment that a green space or fenced in area will be provided at the hospital to replace the Don Bell Park, or another small public park in that neighborhood.

IX. ADJOURNMENT

Mr. Silvestri moved, seconded by Mr. Griffin, to adjourn. Motion carried and meeting so adjourned at 9:37 p.m.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council