

## CITY COUNCIL MINUTES

July 6, 2010

### 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, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright. Jon Ansel was absent.

### II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knapic, to approve minutes of the June 21, 2010 meeting. Upon voice vote, motion carried unanimously.

Mr. Buytendyk moved, seconded by Mr. Steiner, to approve minutes of the June 24, 2010 special meeting. Upon voice vote, motion carried unanimously.

### III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) spoke to urgency of approving Ordinance No. 2010-18 as Solid Waste District is waiting on City of Wooster as the final vote; 2) City of Wooster's presentation before Job Ready Site panel went well but the results won't be known until mid-September; 3) three employees have applied for the Voluntary Separation Plan and approximately seven others are considering it; 4) Ordinance No. 2010-16, regarding the City Charter, must be certified to the ballot 90 days before the general election, beginning of August; and 5) ODOT completed final walkthrough on the Beall Avenue project.

Mr. Silvestri noted that Richard Benson, Law Director, was sitting in as Clerk of Council in the absence of Cheryl Collins.

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Following members of the audience spoke: Eva Newsome, Stark-Tuscarawas-Wayne Joint Solid Waste Management District (Solid Waste Plan) and Susan Schenk (Beall Avenue Streetscape Project).

### V. COMMITTEE REPORTS; PUBLIC HEARINGS (none)

### VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2010-16 SUBMITTING TO THE ELECTORS OF THE CITY OF WOOSTER, OHIO, AMENDMENTS TO THE CHARTER OF THE CITY OF WOOSTER AS PROVIDED IN SECTION 8.03 "CHARTER REVIEW", AND DECLARING AN EMERGENCY (Buytendyk)

Mr. Buytendyk indicated he wanted to move the ordinance to final reading due to the general election deadline. He said the ultimate arbiter to approve the suggested changes to the Charter will be the citizens in November's election. The amendments are the product of the Charter Review Commission and they are asking council to approve the proposed changes in order to put them on the ballot.

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

Mr. Ulbright said he thought the commission was wise to separate the proposals into several parts so that if there is a strong feeling against one change, the other changes might survive, as opposed to lumping all of them into one package.

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

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2010-18 APPROVING THE DRAFT REVISED SOLID WASTE MANAGEMENT PLAN OF THE STARK–TUSCARAWAS–WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri gave a brief introduction to the ordinance and a basic overview of the changes in the Solid Waste Management Plan Update Draft Plan. In the past the plan has not been ratified sufficiently from the three counties and the largest city within each one of those counties. If that doesn't happen, then the EPA legislates the plan, so they give counties and cities the opportunity to establish their own plan. Due to budgetary cuts going on throughout the district, the Stark–Tuscarawas–Wayne Joint Solid Waste Management District have had to make approximately \$2 million worth of cuts, which means less funding Wooster receives. The major changes in the draft plan that will impact the City of Wooster are changes to the Household Hazardous Waste Collection and the Composting Makes Sense program, which will be cut. Mr. Silvestri reported that the Recycling Makes Sense program will remain and the City of Wooster will receive approximately \$37,000, the maximum amount of funding, due to our thorough recycling program. Mr. Silvestri thanked Ms. Newsome for taking a few minutes before the meeting to go over the plan, which will be on file in the clerk's office for further review. Mr. Silvestri also mentioned other ways the district is cutting their costs in an effort to save money. Ms. Newsome addressed council's questions and further explained the draft plan. Mr. Silvestri announced that every household will be receiving a Recycling and Reuse Guide within the next 3 months in an effort to make the public aware of alternatives for recycling hazardous materials.

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

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

2. First Reading - ORDINANCE NO. 2010-19 LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF BEALL AVENUE FROM LIBERTY STREET TO BLOOMINGTON AVENUE BY GRADING, DRAINING, WIDENING, PAVING, CONSTRUCTING AND REHABILITATING SIDEWALKS, DRIVEWAY APPROACHES, CURBS AND RAMPS, INCLUDING PROVISION OF DECORATIVE STREET AND SIDEWALK DESIGNS AND MATERIALS AND APPURTENANT STREET AND SIDEWALK FURNISHINGS, INSTALLING WALKWAY STYLE LIGHTING FACILITIES AND NECESSARY APPURTENANCES THERETO, INCLUDING THE INSTALLATION OF UNDERGROUND WIRING, RELOCATING OVERHEAD CABLES, WIRES, AND APPURTENANT EQUIPMENT UNDERGROUND, CONSTRUCTING STORM SEWERS, SANITARY SEWERS, WATER MAINS, SERVICE CONNECTIONS AND UTILITY MODIFICATIONS AND INSTALLING AND RELOCATING CATCH BASINS, MANHOLES AND HYDRANTS, AS REQUIRED, CONSTRUCTING RETAINING WALLS, PLANTING SHADE TREES AND PROVIDING RELATED LANDSCAPING, AND INSTALLING STREET AND TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES, ALL IN CERTAIN DESIGNATED LOCATIONS, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this is the final step in the Beall Avenue project. He called attention to several points within the ordinance. He further noted that the Resolution of Necessity (Res. No. 2007-43) was passed by Council on 4-2-07. Council approved the recommendations of the Equalization Board (Res. No. 2007-62) on 7-2-07. Council passed the Ordinance to Proceed (Ord. No. 2007-32) on 7-2-07. The project costs paid and estimated at the time of the

Resolution of Necessity totaled \$11,425,417.75. Actual final expenditures upon project completion totaled \$10,878,116.84, a difference of \$547,301. Savings were realized in the Water Fund, Sewer Fund and General Fund. Mr. Ulbright explained the legislation must be passed in order to allow property owners along Beall Avenue the opportunity to pay their assessments prior to the City's short term note coming due on October 15, 2010. Property owners must be given 30 days to pay assessments and bonds will need to be issued upon finalizing the property owner's unpaid assessment amounts. The bond ordinance must be passed at the August 16, 2010 meeting in order to allow 4-6 weeks for bond proceedings prior to the October 15, 2010 date. Joel Montgomery, City Engineer, spoke briefly about the project. Although the project has taken a long time to complete with many inconveniences, Mr. Ulbright expressed it is beautiful, safe and a needed improvement with regard to underground utility services. He also said it would be remiss not to mention the College of Wooster who was a big partner financially as well as ODOT, EPA and the property owners on Beall Avenue. As a reminder, Mr. Silvestri added that the City of Wooster didn't have to put any extra money into the project other than what we would have already had to spend to replace utility lines, repaving and other necessary work on Beall Avenue. The College of Wooster's significant donation roughly covered the aesthetics. Mr. Silvestri stated this was a fantastic project even though its been a long time coming with detours, the construction area, for residents and businesses, who really took a hit in terms of trying to stay open and maintain their flow of patrons. The city appreciates their patience and Mr. Silvestri believes it was well worth the cost.

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

3. First Reading - RESOLUTION NO. 2010-59 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF HOMELAND SECURITY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated this grant was awarded to the fire division from the Department of Homeland Security and FEMA for the amount of \$60,300. It is a 90% grant with a 10% match. The city would receive \$54,270 with a 10% match of \$6,030. The grant project was requested to fulfill the health and wellness initiative as described in the current labor agreement and a working policy within the fire division. It will include inoculations, annual physicals, physicals for new entry level employees, training of peer trainers and auxiliary services. Mr. Steiner feels the fire division is getting a lot from this grant with a small match from the city.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

4. First Reading - RESOLUTION NO. 2010-60 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Buytendyk introduced the legislation in Mr. Ansel's absence. He explained the Wayne County Tax Incentive Review Council (TIRC) was established before the City had their own TIRC. The Wayne County TIRC have reviewed the existing city enterprise zone agreements within its jurisdiction and have recommended that the agreements be continued in effect. The enterprise zone agreements are for Akron Brass, Frito-Lay, Gerstenslager, LuK and Tekfor. Mr. Buytendyk feels our city is fortunate to have all five of these businesses located within our municipality. Most of the companies met their goals with the exception of LuK who were affected by the downturn

in the automotive industry, but they are bouncing back. Being this has been reviewed by the Wayne County TIRC, Mr. Buytendyk stated that unless someone had a strong opposition, he couldn't think of a better way to send a message to the companies reflected in these agreements and to businesses considering locating in Wooster, that we will work with them and be proactive to help them. Mr. Ulbright stated from his understanding, when the Tekfor tax abatement expires under this program on December 31, 2013, that will be the end of the Wayne County TIRC supervision of these agreements. From that point on all agreements will be under the City of Wooster's TIRC. Mr. Dordea confirmed that was so except for those areas outside of the city that will be annexed, they will still fall under Wayne County TIRC.

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

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

### **VIII. MISCELLANEOUS**

Mr. Buytendyk thanked Mr. Benson for filling in as clerk. He also expressed what a great job the city has done on the Beall Avenue project, coming in under budget and seeing that assessments to the property owners are only approximately 16% of the project, which speaks highly of what a great package the city put together. Mr. Buytendyk hopes everyone drives down Beall Avenue to see what a beautiful boulevard it is and a nice gateway to the east side of the downtown.

Mr. Ulbright too praised the Beall Avenue project, especially for being under budget and with all the frustration, delays and detours done, it has really paid off. When the economy turns around, Mr. Ulbright hopes the city can look forward to more of these type projects. Mr. Ulbright reminded everyone that on August 16, 2010, the next regularly scheduled council meeting, he will not be in attendance and therefore unable to chair the public hearing regarding the rezoning of property between Vinton Woods and Woodcrest Drive (Tartan Ridge). Mr. Ansel will chair the hearing and Mr. Ulbright conveyed he would like to see that legislation kept on first reading. He wished everyone a happy summer.

Mr. Cavin was delighted to see Beall Avenue come in under budget. He too wished everyone a happy summer.

Ms. Knapic stated a good portion of the Beall Avenue project is in her ward and it is a joy to drive up and down that area. She thanked the citizens who did their best to keep patronizing the businesses on Beall Avenue when things were disrupted and thanked the businesses for being so incredibly patient. The fact it came in under budget is amazing. Also, on behalf of a resident from her ward who recently requested an alley vacation, Ms. Knapic expressed appreciation to council for their quick action on approving it.

Mr. Steiner thanked the College of Wooster for their significant participation in the Beall Avenue project, approximately 30% of the total project cost, which made a big difference to their campus but also to the community as a whole.

Mr. Silvestri congratulated the city and City Engineer Joel Montgomery and his staff for their great management of the Beall Avenue project. He reminded everyone council will be on summer recess and will reconvene on August 16, 2010.

### **IX. ADJOURNMENT**

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council