

**CITY COUNCIL MINUTES**  
**June 18, 2007**

**I. ROLL CALL & ORDERING OF AGENDA**

In the absence of President Pro Tem Bob Breneman, Acting Clerk Cheryl Collins 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, Mindy Cavin, David Silvestri, Keith Topovski and Jon Ulbright. Ms. Cavin made a motion to appoint Mr. Ulbright as President Pro Tem for the evening and Mr. Topovski seconded. All were in favor.

At Mr. Ulbright's request, Mr. Benson explained that council did not have a majority of members present to suspend the rules or pass legislation, therefore everything would remain on first or second reading.

**II. APPROVAL OF MINUTES**

Mr. Ansel moved, seconded by Ms. Cavin to approve the minutes of the June 4, 2007 meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Mitten shared various happenings in the city. She noted that on July 1<sup>st</sup> the water and sewer rates will increase 3%. Also the new Zoning Code will take effect on June 21<sup>st</sup> and will be available online to review. Mayor Mitten mentioned that the Knights Pool attendance has doubled this year due to the Sprayground. Also Rayco Co. donated equipment and an operator to clear Madison Avenue for the highway beautification grant from ODNR which will use natural Ohio plants to enhance the area by Madison Avenue. She also indicated that the new water tower construction will be delayed until September 15<sup>th</sup> due to the Indiana baby bats which are inhabiting the trees that are to be cut down.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The following people spoke to city council in opposition of Gasche Street closing and submitted a signed petition in support of this: Don Strouse, 1449 Avalon; Steve Griffin, 812 E. Wayne Ave.; Marceile Dundon, 1021 E. Wayne Ave.; Terry Riley, 967 Gasche; D.S. Massaro, Gasche/University; Rita Stallings, 1519 Gasche. Atty. Doug Drushal spoke on behalf of the College of Wooster and their request to close Gasche Street between University and Wayne. Kevin Schwarzkopf, 148 N. Walnut St. requested the public be updated on street construction/closings.

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Ms. Cavin conducted a public hearing on the annual tax budget for 2008. The budget is a baseline for estimated resources and establishes a spending limit. It will be filed with the Wayne County Budget Commission as required by state law. There were no comments.

Mr. Topovski reported that the Public Infrastructure Committee met Monday, June 11, 2007 and discussed the next sidewalk project. They looked at different criteria, funds available and lengths of various improved streets which do not have sidewalks. They also took into consideration a letter received from David Koccevar of the Wooster Board of Education, recommending the streets they would like to see sidewalks installed on, although all of their recommendations were for unimproved streets and therefore could not be considered. The committee decided to install sidewalks on the east side of Northwestern which coincides with the north side of Westridge. Mr. Montgomery will put together a proposal for this project. The committee will also recommend that the Finance Committee include additional funding in the 2008 budget for the continuation of the sidewalk project. Funds left over from the Highland sidewalk project, due to residents installing their own sidewalks, will be applied to the Northwestern/Westridge sidewalk project.

## **VI. OLD BUSINESS**

1. Second Reading - ORDINANCE NO. 2007-30 VACATING A PORTION OF GASCHE STREET, BETWEEN WAYNE AVENUE AND UNIVERSITY STREET. (Topovski)

A large group of residents were in attendance opposing the closing of Gasche Street. Mr. Topovski stated he is concerned as to why Gasche needs to be vacated and has requested a report from the fire and police chiefs as to how this would effect safety services in that area. One of the considerations he would like to see is a back to back cul-de-sac with a break way safety gate so safety services would have access to that area in the event Beall Ave. and/or Palmer St. would be closed. Being unaware if the college has any plans to proceed within the next year, Mr. Topovski would be hesitant to vote in favor of this, but would like to see more information from the college. He stated the same guidelines for vacating a public alley would be used for vacating a public street. Mr. Ansel thanked the residents for attending the meeting and was impressed by the amount of signatures on the petition opposing the street closing. Ms. Cavin has concerns for traffic flow when Beall Ave. Streetscape is underway, that the college has no definite plans in place and that two informal traffic studies have been done and requested a traffic study be done by the city. She too thanked the residents and understands loud and clear that they are opposed to the closing and hoped the college will have an alternate plan that wouldn't require closing Gasche Street. She urged the residents to attend the next council meeting to voice their opinions. Mr. Silvestri said there are long term effects to closing the street and thanked the crowd for their comments and also Mr. Drushal for the drawings he presented. He is not convinced they are at an impasse and feels the street wouldn't have to be closed in order for them to proceed with their project. He would like to hear the hospital's comments regarding the closing. Mr. Ulbright shared that he had entertained tabling this legislation, as he is not convinced it requires an immediate decision and feels it would be better to look at this after Beall Ave. Streetscape is completed. Although after hearing all the citizens' comments he feels third and final reading at the next meeting would be best so everyone can again express their views. He questioned if the city were to vacate Gasche St. if the college would accept significant financial responsibility in improving Palmer St. He feels the city and the citizens deserve some type of trade off for vacating a city street. Doug Drushal, representing the college, indicated this is not an emergency, that he heard a lot of interesting ideas which he will follow up on and was willing to answer any questions after the meeting.

2. Second Reading - RESOLUTION NO. 2007-59 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2008. (Breneman)

In the absence of Mr. Breneman, Ms. Cavin, a member of the Finance Committee, volunteered to sponsor the finance legislation. Ms. Cavin stated this was the same information discussed earlier at the public hearing but added that a copy of the tax budget was available at city hall for anyone interested in reviewing it.

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2007-32 DETERMINING TO PROCEED WITH 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

Mr. Ulbright suggested that on the next agenda that Resolution 2007-62 precede Ordinance 2007-32 in order. Mr. Topovski stated he spoke with Mr. Benson who indicated council would have to request a realignment of the agenda during the next meeting. Mr. Ulbright indicated that the cost of the Beall Avenue Streetscape was not going to cost the city more than if the normal reconstruction of the street would have been done. The College of Wooster and state funding are making a big difference in the costs in the streetscape project. Mr. Sigg confirmed same.

2. First Reading -           ORDINANCE NO. 2007-33 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE. (Breneman)

Ms. Cavin recalled the accident at the intersection of Timken and Madison Avenue when a semi tractor/trailer took out the traffic control lights. The city has received insurance proceeds to compensate for this loss which included materials, labor, overtime and use of equipment. Mr. Silvestri asked if we were obligated to use the full amount of the insurance reimbursement on this particular project. Mr. Dordea explained the insurance money would go back into the appropriate funds where expenses were paid from for the repairs.

3. First Reading -           RESOLUTION NO. 2007-61 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO INCREASE THE AMOUNT OF A CONTRACT WITH THE CENTER FOR OCCUPATIONAL MEDICINE FOR MEDICAL TESTING AND SCREENING SERVICES, AND DECLARING AN EMERGENCY. (Breneman)

Ms. Cavin stated this resolution authorizes administration to pay for services from Occupational Medicine for pre-employment drug testing, random drug testing, post-accident drug tests and work related injuries. This money is budgeted but is over \$15,000 which requires council approval. Mr. Silvestri asked if there were any rate or use increases that caused the additional funding. Mr. Sigg explained in 2006 the city went over the amount budgeted due to several unforeseen circumstances and therefore more was being budgeted for this year. Mr. Ulbright requested to know the amount spent in 2006. Mr. Sigg will obtain those figures for the next meeting.

4. First Reading -           RESOLUTION 2007-62 APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE BEALL AVENUE STREETScape PROJECT, AS DESCRIBED IN RESOLUTION NO. 2007-43, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski indicated this resolution is to approve the Assessment Equalization Board's recommendations for the reduction of special assessments for a number of property owners along Beall Avenue in accordance with their costs for Streetscape. The funds which were reduced will now be assumed by the city, which is actually a small amount in relation to the whole project. Mr. Topovski felt the recommendations were justified based on the criteria of how parcels 73, 74, 75 and 76 were affected, not being 100% in the project area and therefore not assessed the full front footage. This project needs to keep progressing and Mr. Topovski is in favor of approving the report. Mr. Ansel explained there were 11 objections and the impartial review board listened to their concerns, deciding Streetscape would be a greater benefit to the commercial owners than to the residential owners and recommended a reduction of 15% for all owner/occupied single family residences within the project area. Mr. Ulbright commended the review board for doing a thorough job.

5. First Reading - RESOLUTION NO. 2007-63 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR UTILITY RELOCATION SERVICES RENDERED IN CONNECTION WITH THE BEALL AVENUE STREETScape PROJECT, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated Streetscape is actually two phases, the first phase being the relocation of public utilities, which will remove the wires from the overhead poles and place them underground. This needs to be done before the street can be torn up. This legislation will allow payment to AEP, Embarq and Clear Picture to proceed with their relocation. Mr. Topovski understands that AEP has already purchased substantial amounts of materials for this project and are looking to be reimbursed, so it is imperative that this legislation be passed at the next meeting so the funds can be authorized to proceed with the relocation of the overhead public utilities.

6. First Reading - RESOLUTION NO. 2007-64 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LARWILL STREET BRIDGE REPLACEMENT PROJECT. (Topovski)

Mr. Topovski explained council has already authorized a cooperative venture with ODOT to replace the bridge on Larwill. This agreement is a formality which ODOT requires in order to allow the city of Wooster to oversee the work rather than an ODOT inspector, which will lower our costs on the project.

7. First Reading - RESOLUTION NO. 2007-65 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS. (Breneman)

Ms. Cavin introduced the resolution by recalling a recent acceptance of recommendations from the city's Tax Incentive Review Council. The EZ agreements being accepted in this legislation existed before Wooster had its own enterprise zone and these recommendations are from the county's Tax Incentive Review Council. They include Akron Brass, Gerstenslagers, Tekfor, Frito Lay and LuK. Before the next council meeting, Ms. Cavin requested to see the minutes from the county's Tax Incentive Review Council's meeting. The county reviews the agreements and makes recommendations based on the companies conformity, but she would like to check the minutes to see that everyone is in compliance with what they agreed to do and the jobs they agreed to create. Ms. Cavin indicated that Mr. Dordea and Mayor Mitten serve on both the city and county review councils.

## **VIII. MISCELLANEOUS**

The following members of the audience spoke in opposition to the Gasche Street closing: Clarice Massaro, 646 E. Bowman, Joe Elwood, 932 Washington and Brenda Maynard, 664 Callowhill.

Ms. Cavin had questions regarding the downtown parking permits and requested information from administration regarding this.

Mr. Topovski thanked the crowd for attending the meeting and their input. He asked that they attend the next council meeting to share their comments. He also thanked Daryl Decker and his staff for work at the DiGiacomo green space area.

Mr. Silvestri too thanked citizens for attending and also expressed his satisfaction in the success of Knights Field Sprayground.

Mr. Ansel complimented the audience for their input as well as commended Ms. Cavin and Mr. Ulbright in their substitution rolls for the evening.

Mr. Ulbright agreed with comments made.

**IX. ADJOURNMENT**

Mr. Topovski moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:15 p.m.

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Jon Ulbright  
President Pro Tem of Council

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Cheryl K. Collins  
Acting Clerk of Council