

CITY COUNCIL MINUTES  
June 5, 2006

President Judi Mitten called the regular meeting of City Council to order in council chambers and upon roll call, members answered present as follows: Ansel, Breneman, Griffin, Silvestri, Topovski, Ulbright.

Mr. Silvestri moved, seconded by Mr. Topovski, to approve the May 15, 2006 council meeting minutes as received. Motion carried unanimously.

The clerk read a notice to legislative authority for a new D-1 permit for Wilson Property Management, Inc. dba Seattle's Mid-town (Beall Avenue). The D-1 permit was for beer only for on-premises consumption only and in sealed containers for carry out until 1 a.m. Mr. Ulbright moved, seconded by Mr. Breneman, not to request a hearing. Motion carried.

Mr. Breneman stated that a finance committee meeting was held May 23 and the discussion dealt with economic development fund and revolving loan fund for small businesses. We had a very good discussion and there were some things in the works that promise some real excitement. He wished to bring that forward into another finance committee meeting looking at the week of June 26. Mr. Breneman also announced that income tax revenues were up by 3-4% over what we had projected for this year and our expenditures were down.

Mr. Ulbright stated that he wished to put a bug in his committee's ear to think, during the course of tonight's meeting, what day next week they would prefer for a public properties committee meeting on vandalism. We'll try to set a date during the miscellaneous section of the meeting.

Mr. Topovski stated that a public health & leisure committee meeting was held on May 22 and we concluded that we weren't against giving the additional monies to the Humane Society but what distresses us most was that we were told last year that there was going be discussions with other municipalities around the county to help offset the cost of their services. We thought it would be in everyone's best interests to meet with the county administration (perhaps a commissioner), representatives from the Humane Society, our committee and city administrators to try to solve the problems as opposed to us providing them with \$30,000 every year which really didn't solve their ongoing problem.

Resolution No. 2006-43 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 was read by title, being on third reading. Mr. Topovski stated that there had been two committee meetings held to discuss the issue of cat control in the City of Wooster. Mr. Ulbright thanked the Humane Society for a very thorough report and the time it took to present a very well thought out and sound illustration as far as how they came up with the city's share of the cost of dealing with

our cat problem. We did discuss at our committee meeting the possibility of the Humane Society mandating the neutering of all cats that were adopted and that go out from the shelter. He would also urge that other municipalities and governmental agencies join us in controlling the cat problem since it exists throughout the county and it's not fair for the City of Wooster to bear the cost.

Mr. Griffin asked whether the issue of licensing or collar fees came up in the committee meeting. Mr. Topovski stated that we did have discussion on licensing cats and thought it might be a little impractical as far as enforcement goes since most likely the only people wanting to adhere to any kind of ordinance like that were those who own cats and were close to them. It wouldn't help with the stray cat issue.

Mr. Silvestri stated that he had heard from a resident within the City who has had a lot of problems with neighbors who have cats that aren't kept inside and the damage they can cause. During these discussions, maybe we could throw in something along the lines of an incentive program to cover some of the costs to recover the cats.

Upon roll call, motion to adopt the resolution carried unanimously.

Ordinance No. 2006-17 amending Part 17, Taxation Code, of the Codified Ordinances of the City of Wooster, Ohio was read by title, being on second reading. Mr. Ansel stated that the feedback he had received (which had been quite extensive) regarding this proposed tax ordinance change of mandatory filing has been overwhelmingly positive. Mr. Breneman stated that he had received a negative response from a senior citizen in the community who was concerned with having to file additional tax forms that might be cumbersome for him. However, Mr. Breneman felt that the merit of closing this loophole and making sure we are collecting tax from everyone that needs to be paying it was worth more than the discomfort that filling out an additional form might cause folks. Mr. Ansel reviewed the proposed changes. Mr. Topovski stated that he had spoken with several residents regarding this change and the majority of the comments were favorable and felt it was a long time in coming. Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-19 amending Chapter 505, Animals and Fowl, of the Codified Ordinances of the City of Wooster, Ohio, by the adoption of regulations pertaining to wild or exotic animals was read by title, being on first reading. Mr. Ansel stated that at the conclusion of the May 15 council meeting, he was approached by Ms. Cavin and Mr. Topovski regarding an alleged concern regarding an animal being stored in an uncontrolled habitat, the animal of discussion being an alligator. Not a small alligator, but a very large alligator in a setting that was very difficult to understand in terms of the size and scope. As part of that, we had a follow-up investigation and found that there were two alligators being stored in a very small plastic swimming pool on the top of a trampoline inside a nylon mesh fallout enclosure (Mr. Ansel provided photos of this set-up). When he and Chief Thornton went to this location and viewed the habitat, both of

the alligators were gone. The owner had apparently moved them inside when the officer who made the report expressed a concern regarding such large animals being stored in an unsecured enclosure with children in the neighborhood being potentially at risk or exposed to danger. We should all thank the law department for expediting an amendment to an existing ordinance regarding animals and fowl. Mr. Ansel reviewed the proposed changes to the ordinance. Discussion followed and Mr. Ansel moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion carried unanimously.

Ordinance No. 2006-20 authorizing the purchase of real estate, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this speaks to the need for a planned upgrade of a sanitary sewer lift station in the north end; the present lift station was vulnerable to electrical failure, overflow capacity, etc. The lift station has had several failures over the last couple years including residents having sewer backups in their homes because of this. The property in question has become available along the way and there wasn't room at the existing lift station location for expansion or upgrade. The property was owned by Wayne County National Bank (now National City) whom we approached about gaining an easement to the property and as stated in the memo from Mr. Montgomery, they replied that the easement necessary to facilitate our lift station would render the lot very difficult to develop, thus harming its future value. They offered to sell it to us at a price tag of \$90,000 and that's where we are now. A lengthy discussion followed. Mr. Griffin moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion carried unanimously.

Ordinance No. 2006-21 amending Chapter 1325, Heating and Ventilating Code, of the Codified Ordinances of the City of Wooster, Ohio, by the adoption of regulations pertaining to solid fuel-fire outdoor heating devices was read by title, being on first reading. Mr. Ansel stated that he would be keeping this on first reading at the request of another council member. We have a fairly comprehensive summary for the definition of solid fuel fired outdoor heating devices in front of us. Mr. Ansel thoroughly reviewed the pertinent sections of the proposed amendments and Mr. Monea explained the procedures his department would use to monitor and enforce the regulations herein; Mr. Griffin reviewed the information that he had provided to council members. A lengthy discussion followed.

Resolution No. 2006-45 authorizing the Director of Finance to issue payment for services rendered under contract(s) with vendors or for services provided to the municipality, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was work that Davey Tree had performed for the City, that being removal of trees. Anything over \$3,000 in cost must have a fiscal officer's certificate or purchase order and this one slipped through the cracks; those items weren't obtained prior to the work being completed. This was a budgeted item and was for authorization of payment only to Davey Tree Farm. Mr. Breneman moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr.

Breneman moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-46 authorizing the Director of Administration to enter into a contract with Kokosing Materials Company, Inc. of Columbus, Ohio for the purchase of bituminous materials, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that earlier this year, we passed Resolution 2006-3 which authorized obtaining asphalt for our various paving contracts for city streets. Specifications went out for bid and at the time we were using a ports mix for our base coat and it appears here that the Kokosing Materials Company was the successful bidder. They have now come to us advising that they cannot supply the ports mix for the base coat and have a new mix called 301L which has been approved by ODOT and was a suitable alternative. In addition, the new mix will cost \$30.50 versus \$36.00 so there would be a savings of approximately \$5.50 per ton and with the purchase of 11 tons, would be a savings of \$11,000. Mr. Newman explained the process used in paving the roads and the composition of the materials used for different types of surfaces. Mr. Topovski stated that this seemed to be a reasonable alternative. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Topovski moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

#### Miscellaneous

David Troyer, Apple Creek, stated that he sells these fuel burning furnaces and he agreed that the regulations inside the city and high populated areas should require that the chimney heights be above the roof lines. Where you see a lot of smoke coming out is the first and second cycles of the burning because if you burn a brush pile and throw wood on top, it will smoke a lot until the fire gets to the wood. After going through two or three cycles, you won't have much smoke. These furnaces are as clean as fireplaces but if you weigh the amount of fuel you put on fireplaces and the amount of wood you put in these wood burners, you might have three to four times more, thus making more smoke. Our company does offer a dual fuel model that has a propane, natural gas or fuel oil gun that when the furnace calls for heat, that gun will actually ignite and burn into the burn chamber for however long it takes to burn the smoke off.

Mr. Topovski stated that over the past weekend, he and his wife and their 21 month-old grandson had the opportunity to visit Freedlander Park for a picnic. This would have been the evening after the big wind storm the Thursday night before. Although there were a few trees down, the park was very well cleaned up and they observed other families fishing and enjoying the park. His grandson had fun watching the geese on the pond and discovering the gazebo and the playground equipment that the Kiwanis Club had provided for the park. He wished to thank the City administration and the parks and recreation department staff for providing such activities at minimum cost where young families can go and have a really good time without going out of town to the big theme parks. We also had the opportunity this weekend to enjoy Kids Day downtown on the public square. Again, a lot of activities for the young children, and the citizens should be

very proud of the administration and community for providing such activities for families where you can stay home and the kids can interact with each other and we can show them some good clean fun at very minimal expense.

Mr. Ulbright scheduled a Public Properties committee meeting for Wednesday, June 14 at 7:00 p.m.

Mr. Ulbright wondered whether the city would entertain a discussion with the County to try to get an illuminating light at the intersection of W. Milltown Road and Oak Hill. He understood that it was outside the City but perhaps we could share a portion of the cost of installing a white light there. It was becoming a very dangerous intersection.

Mr. Breneman advised council that he would be out of town and not present for the June 19 regular council meeting. Mr. Breneman scheduled a finance committee meeting for Wednesday, June 28 at 5:30 p.m. to review the economic development fund.

Mr. Ansel wished to highlight an impromptu tour of the city garage and maintenance facility on Friday, stating that it was a very enlightening and productive meeting and he wished to note the cleanliness, the organization and sense of pride in facility maintenance was second to none. He complimented Mr. Newman and his staff and he also thanked Chief Thornton for getting him through that impromptu tour. It's nice to do an inspection unannounced and receive such favorable results.

President Mitten thanked Ms. Collins for serving as clerk this evening. Mr. Griffin moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 9:15 p.m.

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Judith Mitten  
President of Council

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Sheila Stanley  
Clerk of Council