

CITY COUNCIL MINUTES
March 7, 2005

President Judi Mitten called the regular meeting of Council to order at 7:30 p.m. and upon roll call, members answered present as follows: Breneman, Buytendyk, Cavin, Griffin, Topovski, Ulbright.

Mr. Griffin moved, seconded by Mr. Breneman, to approve the minutes of the February 22, 2005 meeting as received. Motion carried unanimously.

Mr. Buytendyk opened a public hearing to discuss the zoning of 4.929 acres to an R-1 district for property that was recently annexed at 1323 Mechanicsburg Road. Mr. Buytendyk asked Mr. Drushal what, if any, plans the property owners had for the property. Mr. Drushal stated that they might develop a couple more residential lots. The public hearing was closed.

The clerk read a petition to vacate a 16' public alley running in a north/south direction from Nold Avenue to a 20' alley between lots # 1338, 1335 and 1336. A public hearing will be held at the next council meeting at 7:30 p.m. or soon thereafter.

The following people spoke to city council in opposition of Resolution No. 2005-20 (appropriation of rights-of-way): John Fitzpatrick, 2690 Akron Road; Delmar Lang, 3039 Canal Road; Kevin Lange, 3295 Canal Road; Kyle Lange, 3196 Canal Road; Robert Wirth, 2795 Varian Road; Laura Pearce Wirth, 2795 Varian Road; Mormon Adkins, 2707 Canal Road; Tom Hochstetler, 2613 Bauman Drive.

Ms. Cavin moved, seconded by Mr. Topovski, to remove from the table the Informal Resolution in support of the senior tax credit development. Upon roll call, motion carried by a 5-1 vote, Mr. Griffin casting the negative vote. Mark Leatherwood, one of the owners of LW Associates, the general contractors for this development, recapped what the project would entail and what Mr. Whapham had explained at the last council meeting. Mr. Leatherwood also explained how the tax credit program worked. Mr. Breneman stated that he had spoken with Stan Popp who was the director of the local housing authority, and Mr. Popp said they represented over 200 housing units and at the present time, there was no waiting list and in fact there were vacancies. It was Mr. Popp's opinion that there was not a huge demand in our area for low income housing and elderly housing units at the present time. Mr. Breneman stated that he also had a problem with the term "turn-key"; it implied someone who comes in, does the job, gets paid fully and then is gone. It concerned him that an out of town company comes in and wants us to sign for tax credits; you'll do this operation and if you're a good operator, we may be fine, but if you're not, then you go back to Ashville Ohio and we have a property with 42 units and not knowing what will happen when problems may transpire. Mr. Topovski stated that he had done some research, particularly on vacancies in the Wooster area. He found information on various websites, particularly the census bureau and the national low income housing coalition. In Ohio in 2000, we had a 9% vacancy rate and in 2004 that jumped to 13% vacancies in rental units. In Wooster, 40% of housing units are rental units and he felt that this would be taking away from the already existing affordable housing units in Wooster. A short discussion followed. Ms. Mitten stated

that we need a motion on the floor. Mr. Topovski moved, seconded by Ms. Cavin, to approve the informal resolution. Upon roll call, motion to adopt failed by a 5-1 vote; Ms. Cavin casting the positive vote.

Ordinance No. 2005-6 amending Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, Ohio, so as to zone newly-annexed land (4.929 acres) to an R-1 (Low Density Residential) District for property located at 1323 Mechanicsburg Road was read by title, being on first reading. Mr. Buytendyk stated that a public hearing had been held earlier with no public input other than Mr. Drushal. Mr. Buytendyk stated that R-1 probably has the least impact on the services that the city provides and he would like to see this zoning in place when the annexation takes effect. Mr. Buytendyk moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Buytendyk moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2005-20 authorizing the Mayor to pursue appropriation of certain rights-of-way from property owners adjacent to or abutting the Canal Road area for purposes of proceeding with the improvement thereof, and declaring an emergency was read by title, being on first reading. Mr. Griffin stated that this was a highly sensitive issue; any time that eminent domain is discussed, it brings forth a lot of discussion and it is a very controversial issue across the country. Mr. Griffin stated that this was a resolution of necessity; city council determining that the City of Wooster has merit in the necessity that we need to move forward and if and when this resolution passes, that it becomes our public declaration that we are going to proceed with the eminent domain process. There is a second step after that which would be an ordinance of appropriation. Now, we will sit and hear the presentation that Mr. Montgomery has prepared. Mr. Montgomery stated that this project predated him by a number of years and had started in 1990 so some of the details of the history he didn't have; only what was in the files. Mr. Montgomery proceeded with a power point presentation showing a map of the area in question and the route of the proposed sewer line and what the project entailed. At this point, all we are proposing is running the sewer from one point in the city to another point in the city and the route has to go through land outside the city; we don't need specific approval from the County Commissioners for that. Possible alternate sewer routes were discussed as well as the possibility of upgrading the existing lift station.

Resolution No. 2005-21 authorizing the Director of Administration to purchase a trash pump for the Water Pollution Control Plant, and declaring an emergency was read by title, being on first reading. Mr. Griffin moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Mr. Griffin stated that this piece of equipment falls above the \$15,000 minimum and that's why it is before us this evening. This is a budgeted item, included in the capital plan for this year which was approved by council. This was a tool that would be helpful during power outages at lift stations and could be used for severe water main breaks and would decrease our liability with environmental violations, etc. Mr. Breneman asked if this would have taken care of the lift station on the north side of town that had recently failed? Mr. Borton said that that specific lift station was set up specifically for a pump just like this and we can literally turn the station operation over to the engine of the pump. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-22 authorizing the Director of Administration to enter into a contract with Clear Picture, Inc. for Internet services and connection of fiber optic communication lines, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that we are currently with an Internet service called MT Technologies and we are their last customer and they are discontinuing this service, so for us to be able to communicate via the Internet with the outside world, we need to have some type of connection. Clear Picture has that capability and they would tie in here at city hall where we have in place fiber optics out to our different satellite buildings. This would increase our bandwidth by going with Clear Picture and over a five-year period, it was a cost of \$52,000. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Collins, IT assistant manager, stated that we would be saving about \$47 a month and the five year contract will guarantee an up front savings of \$2,000 on installation. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-23 authorizing the Mayor to issue payment to the Wayne Development Council for economic development services was read by title, being on first reading. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion failed by a 4-2 vote as follows: Griffin-yes; Topovski-yes; Ulbright-no; Breneman-yes; Buytendyk-yes; Cavin-no. Mr. Breneman stated that this was a standing contract with Wayne Economic Development Council. At one time, they were recipients of our bed tax monies to fund their role as an economic development team for the city. A few years ago, the Mayor felt it would be more advantageous to pull it out of the bed tax monies and put it into the general fund budget because economic development is such an important factor for our city. Mr. Breneman stated that we pay them \$5,000 a quarter to act as the economic development leg of the city's development team and for \$20,000, we could not touch hiring our own employee for providing such a service. Technically, the service started the first of the year, so we really should be moving this back and doing it at the end of the prior year. Ms. Mitten asked the Mayor how long Wayne Economic Development Council had been in existence as we've been a part of it since the beginning. Mayor Howey stated that he thought it had been in place for about 12-14 years and we did participate in the beginning with about \$18,000 per year out of the general fund. Mr. Ulbright urged the city to look into having their own economic development person and use this funding for that purpose. Perhaps we could have a finance committee meeting to discuss that. Ms. Cavin stated that her concern about not suspending the rules tonight was that she wanted the resolution amended to have the actual amount that we intend to pay them included in the verbiage; however, she wasn't adverse to Mr. Ulbright's suggestion. She felt that the Wayne Economic Development Council is getting in gear to get some positive things done and she felt it was a very good service organization and they will probably provide us with a lot of good things.

Miscellaneous

Susan Lang, Canal Road, stated that she had lived on their farm all her life. She realized that city planning was a very hard job and she sympathized with the members but she had been researching this issue and we do need green areas. A lot of the open spots are being used up by factories as time goes by. She asked council to please consider that our field represents a green area and if the railroad did not give us any trouble about compromising underneath, that they could possibly use that alternate route for the sewer line.

Delmar Lang stated that he had called the EPA because we had black stuff coming down our creek from Tekfor who dumped it into the storm sewer and it was about two feet deep and it was done more than once. They (Tekfor) were fined for it but they said they had permission from the city to run that down their sanitary sewer. He wanted to know what would be coming down that sanitary sewer if it were put in because it's going to be a lot more than standard sewage. Mr. Borton stated that we are required by permit that falls under a pretreatment program. He hadn't been told what had been discharged by Tekfor; he hadn't heard about that incident. There had been a miscommunication with Tekfor with what they were allowed to discharge down the sewer and at the time we were told they were a sanitary only discharge. That has since been corrected and they now fall under the pretreatment program and we sample them on a routine basis and they operate under permits so that their discharge into the sewer is similar to domestic waste. Essentially, the answer to your question as to what would be going down that sewer was sewage.

Kelly Rhodes stated that she was the Lang's daughter and she also lived on Canal Road. She asked Mr. Montgomery what the cost would be to upgrade the size of the piping, to redo that so that the pumping station could be used more efficiently rather than going through the farmland. If he could figure that out and let her know at the next meeting, it would be appreciated. Ms. Rhodes said the other thing that she wished to say was that she grew up here and had moved back here after eight years of schooling and she had set up her dental practice here because Wayne County was a great place to live. That's why we are all here and we don't want to leave Wayne County because we love it. When she started hearing about eminent domain, she couldn't help think of people taking away their rights and taking away their land and things that weren't the city's to take away. We are outside the city limits; there has to be an alternate route that would work.

Mr. Topovski asked Mr. Lange what he farmed and how large was the farm. Mr. Lang stated that they raise hay and grain and had 32.48 acres.

Ms. Mitten stated that Chris Schmidt who was the interim director of the Wayne Economic Development Council was putting together a presentation for city council. They will be ready shortly so if we could hold off on the committee meeting, she would appreciate it. We're hoping to have the presentation in a couple weeks on a Saturday.

Mr. Breneman stated that he had a couple requests regarding traffic flow; one was at Friendsville and Route 83; when traveling south on Route 83, a resident had requested a left turn signal at that intersection. Also at Old Airport Road and Route 585, people get trapped there when there's no traffic coming out of Old Airport Road so the trigger mechanism isn't working properly. The other thing was that they weren't happy with the three-way stop at Henry Street and Buckeye. Mr. Montgomery said that was changed because we had several requests to put a stop sign there and he hadn't heard any complaints once people got used to the stop sign being there.

Mr. Buytendyk moved, seconded by Mr. Ulbright to adjourn. Motion carried and meeting so adjourned at 9:25 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council