

**CITY COUNCIL MINUTES**  
**May 5, 2008**

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

President Jeff Griffin 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, Mike Buytendyk, Jeff Griffin, Ed Schuch, David Silvestri, Jeff Steiner, Keith Topovski and Jon Ulbright. Mr. Griffin asked everyone to rise and join in the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

Mr. Silvestri moved, seconded by Mr. Steiner, to approve the minutes of the April 21, 2008 meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

A letter was received from the Wooster City Planning Commission recommending the rezoning of 8.33 acres from a CF (Community Facilities) District to an R-1 (Suburban Single Family) District for property located on the east side of Mechanicsburg Road, between West Highland Avenue and Varns Road (WWM Properties). A June 2, 2008, 7:30 p.m. public hearing was set to discuss the rezoning.

No members of the audience spoke.

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Jon Ulbright reported on the Public Infrastructure committee meeting held on April 28<sup>th</sup> at 5:00 p.m. in council chambers of city hall to discuss future sidewalk projects and parking on tree lawns.

**VI. OLD BUSINESS**

1. Second Reading - RESOLUTION NO. 2008-49 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated council had received a very informative packet of information regarding TIRC's (Tax Incentive Review Committee) review of the enterprise zone requests for Akron Brass, Gerstenslager Co., LuK, Inc. #1, LuK, Inc. #2, Frito Lay and Tekfor USA. Mr. Ansel noted the report was a very impressive dossier of investments in terms of the retention and expansion in our community. TIRC recommended that all of the referenced existing EZ's be renewed. Mr. Ansel moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2008-13 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO DISPOSE OF THREE LIFEPAK 12 DEFIBRILLATOR/MONITORS, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated three Lifepak defibrillator/monitors purchased in 2001 have been replaced in accordance with the normal budgeting process. The fire division would like to sell the 2001 Lifepak 12's to other governmental agencies for use as backups. The secondary market price ranges from \$2,500-\$5,000 with fair market value at approximately \$3,500. Mr. Steiner moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Steiner moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to

adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

2. First Reading - ORDINANCE NO. 2008-14 AMENDING SECTION 1143.02 AND CHAPTER 1195 OF THE CITY OF WOOSTER PLANNING AND ZONING CODE, TO MAKE CERTAIN CHANGES TO THE ADULT USE REGULATIONS (Buytendyk)

A public hearing was held at 7:00 p.m., prior to the council meeting, to discuss these amendments. Mr. Buytendyk explained the amendments would limit where sexually oriented business (SOB) can locate within the city and to change some of the definitions. A presentation was given by David Langdon at the public hearing on the impact of sexually oriented businesses (SOB) located within residential and business areas. Mr. Buytendyk indicated this is a proactive ordinance so the city can be as stringent as the law allows. SOB's cannot be outlawed completely as that violates the U.S. Constitution, but their location can be limited and their hours regulated, to minimize impact. Mr. Silvestri questioned definition changes. Mr. Benson explained because of changes made to the zoning ordinance late last year, it was necessary to bring these definitions inline with definitions in that ordinance. It was also necessary to bring the definitions inline with case law that has transpired over the last 5-6 years since this ordinance was originally enacted. Mr. Benson indicated council could rest assured that no stone has been left unturned in terms of defining these types of activities, as the intention of the amendments are to be all encompassing. Mr. Ulbright questioned locations of SOB's. Mr. Benson explained the language says SOB's shall not be established, operated or located within 1000 feet of church, school, residential use or boundary, any residential zoning district, park, library or other SOB. Ms. Jesionek, Mr. Langdon and Mr. Benson prepared a map of the city of Wooster, highlighting every sensitive use that could be identified and a 1000 foot radius drawn around it in order to make sure that all the sensitive uses were covered. Mr. Buytendyk left the ordinance on first reading.

3. First Reading - ORDINANCE NO. 2008-15 AMENDING CHAPTER 731 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO PROVIDE FOR THE LICENSING OF SEXUALLY ORIENTED BUSINESSES AND TO MAKE CERTAIN CHANGES TO THE REGULATIONS GOVERNING SEXUALLY ORIENTED BUSINESSES IN THE CITY (Buytendyk)

Mr. Buytendyk explained this is a companion piece of legislation to the previous ordinance's change in the zoning code with regard to sexually oriented businesses (SOB). This ordinance is to provide a licensing regulatory scheme to impose upon SOB's in order for them to operate within the city. Mr. Buytendyk left the ordinance on first reading.

4. First Reading - ORDINANCE NO. 2008-16 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Prior to the last council meeting, representatives for the Ohio Vietnam Veterans Memorial Park made a presentation. Mr. Ansel read a brief summary from their solicitation newsletter regarding a proposed memorial park being established in Clinton, Ohio, commemorating the service and sacrifice of all Ohio men and women of the armed forces of the United States. They are soliciting contributions through fund raisers from cities/municipalities throughout the state as well as industrial and company contributions. One of the key note items that will be permanently displayed in the park are black granite commemorative benches with an inscribed personal message at a cost of \$3,500. This ordinance is a request for funding to purchase a commemorative bench at a cost of \$3,500, which will designate the City of Wooster as a donating contributor to this memorial park. Council and administration will review and determine the exact wording to be inscribed on the bench. Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ansel moved, seconded by Mr. Schuch, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

5. First Reading - RESOLUTION NO. 2008-52 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH TIMCO, INC. OF WOOSTER, OHIO FOR TRAFFIC MARKINGS OF CITY STREETS, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright explained this is an annual budgeted contract costing between \$15,000-\$25,000, therefore not subject to competitive bidding. It will be a sole source contract with TIMCO of Wooster, Ohio for an estimated cost of \$18,326. Mr. Ulbright noted that by hiring this firm it frees up city maintenance personnel and allows them to continue doing their work and also allows for completion of this particular job in a timely manner. Mr. Ulbright moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

6. First Reading - RESOLUTION NO. 2008-53 AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this is a request to apply for and receive \$352,000 zero interest loan money from the Ohio Public Works Commission. Usually the city receives one of these loans a year, but due to extra funding available, the city will be able fund two sewer separation projects in a year. Total cost of the project is \$704,00 with 50% being paid directly to the contractor by OPWC. The remaining \$352,00 will be paid from the Sanitary and Storm Sewer Funds. Mr. Silvestri moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Silvestri moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

7. First Reading - RESOLUTION NO. 2008-54 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH TURBLEX, INC. FOR REPAIRS TO A BLOWER AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri indicated at the last Public Utilities Committee meeting Mr. Borton, Utilities Manager, spoke of several items going awry at the Water Pollution Control Plant and one was this blower. The city feels the programming consultant team and the manufacturer of the Turblex blower are partially responsible for the malfunction of the blower and anticipate a portion of the repair costs can be recovered from them. However a valid purchase order is needed in order to make the necessary repairs in the amount of \$24,000. Mr. Ulbright requested that administration keep council informed as to the progress of retrieving funds from the two parties partially responsible. Mr. Silvestri moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes). Mr. Silvestri moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes; Topovski-yes and Ulbright-yes).

8. First Reading - RESOLUTION NO. 2008-55 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT(S) FOR THE REPLACEMENT OF THE SIDEWALK ON THE WEST SIDE OF THE ROAD, BETWEEN BURBANK ROAD AND WAYNE AVENUE, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this was a late addition to the agenda. The property owner has agreed to pay \$5,000 as his part of the total repair cost of \$35,000. The sidewalk on the west side corner of Burbank and Wayne Avenue is in horrible shape creating a safety hazard, it is a liability to the city and a danger to pedestrian and vehicular traffic. The Ohio Revised Code gives cities the legal right to assess the property owner based on the fact that the assessment and the construction of the sidewalk will enhance the value of the property. Mr. Ulbright feels that there will be some measure of enhancement to the property value but does not feel its realistic to expect the property owner to pay the full amount, but rather a portion of the amount. How the fair amount is arrived at is what the city has been negotiating with the property owner over the last several months and an amount of \$5,000 has been agreed upon. Joel Montgomery explained details of the sidewalk project. The resolution remained on first reading.

#### **VIII. MISCELLANEOUS**

Mr. Ulbright reminded everyone that on May 6, 2008 at 7:00 p.m. at the First Presbyterian Church, the Eccumenical Communities for Compassionate Ohio and Sustainable Energy Network of Wayne County will be sponsoring a program How Green is Our County, featuring Mayor Tony Middleton of Alliance, Ohio. Mr. Ulbright requested an updated report on the progress of the Streetscape III project and also asked administration to share any information they have received regarding future electrical rate increases. Mr. Ulbright asked public infrastructure committee members to check their calendars in regards to setting a public hearing to discuss sidewalks on Normandy Drive. He also expressed satisfaction that Mr. Steiner, chairman of Safety Committee, is planning to have a work session in the near future to discuss the report on the fire station study.

Mr. Griffin reminded council of the Secrest Arboretum tour scheduled on Monday, May 19, 2008 from 6:00 – 7:00 p.m.

#### **IX. ADJOURNMENT**

Mr. Silvestri moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:20 p.m.

---

David Silvestri  
Acting President of Council

---

Cheryl K. Collins  
Clerk of Council