

CITY COUNCIL MINUTES  
November 21, 2005

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

Mr. Breneman moved, seconded by Mr. Silvestri, to approve the minutes of the November 7, 2005 minutes with one correction on the last page, the 1<sup>st</sup> paragraph where it stated “. . .it was decided that Mr. Topovski was safe in sitting and voting on this as long as he was convinced that he could do so in a fair and “partial” manner.” It should say “impartial” manner. Motion to approve the minutes as corrected carried unanimously.

Mr. Sigg announced that bids had been received on the lagoon closure and water plant demolition; the engineer’s estimate and budget for this was \$2.2 million and the bids came in at \$1,479,000, for a savings of \$721,000 below budget which was great news.

The following people spoke during public input regarding the bed tax issue: Judy Calabretta, 637 W. Wayne Ave.; Jack Runion, Roomscapes; Ed Schrader, 2460 Wimpole St.; Lynn Thomas, 316 Elm Dr.; Nick Calabretta, 637 W. Wayne Ave.; Linda Runion, Roomscapes, 146 E. Liberty St.; David Sears, 5821 Deerfield Rd., N. Lawrence, read a letter from Edwin Riedner, 904 Forest Dr.; Larry Wentz, Sam & Stan’s Army Navy, 149 E. Liberty St.; Fritz Rabb, 4507 Hunters Chase Lane (Chair of Main Street Wooster Board of Trustees); Brigid O’Connor, 907 N. Grant St.; Tom Linebaugh, 2196 Ryan Court. Mike Priest, 2543 N. Elyria Road, President of Wooster Firefighters Union, spoke to the issue of the annexation agreement with the Ohio State University and the firefighters’ concern about another annexation into the city without a proper impact study of the city safety forces.

Mr. Sigg introduced Debra Huntschell, past president and director of the Ohio Water Environment Assoc. who was here to make a presentation to team Scrappers, reigning national champions in Operations Challenge. Ms. Huntschell stated that as past president and now director of the federation, she was here to re-present the award given at the state level. In June, at our state meeting, Jim Borton was presented the Jacob U. Allen award in recognition of outstanding leadership and support of the association and involvement in civic affairs. We have an extra special honor tonight; these four gentlemen (Jim Borton, Bob King, Ken Givens and Larry Rouhier) are our national champions of Operations Challenge. They competed against 30 other teams. Ms. Huntschell introduced Keith Riley, one of the OWEA board members, who stated that the Water Environmental Federation was an organization that was dedicated to the education of wastewater operations and the professionals who support that business. Our Scrappers team from Wooster competed against people from all over the world and came in first place in Division II. We have great pride in what it takes to get a good team together to compete and demonstrate excellence in many skill areas and the amount of teamwork it

took to get ready and prepare for this challenge and still get the day-to-day plant operations done. Our complete congratulations go to this team and effort it took; we're very proud of them.

The Clerk read a notice to the legislative authority from the Ohio Division of Liquor Control for a transfer of a D-5 permit to Three Amigos Restaurant & Cantina, dba Three Amigos Restaurant & Cantina, LLC at 981 Grosjean Road. Mr. Breneman moved, seconded by Mr. Griffin, not to request a hearing. Motion carried. The Clerk read another notice to the legislative authority for a new C-1 permit for American Indian LLC, 209 Beall Avenue. Mr. Breneman moved, seconded by Mr. Griffin, not to request a hearing. Motion carried.

Mr. Breneman stated that this was a busy time of year for the Finance Committee; we will be needing to schedule another work session or two, the first before the next council meeting and then another one before third reading. We'll try to schedule those meetings later this evening during the miscellaneous section.

President Mitten stated that she had held a committee meeting of the whole on November 14 to discuss economic development and she had been notified by Mr. Benson that he will have a draft of legislation for us by mid-week.

Ordinance No. 2005-33 authorizing the Mayor to enter into an annexation agreement with The Ohio State University, and authorizing the Director of Law to prosecute the proceedings necessary to effect it, and declaring an emergency was read by title, being on second reading. Mr. Buytendyk stated that this was something that has been discussed for several years; council has two choices – either to agree to bring the property into the City of Wooster or not to annex it. This was an opportunity for true economic development; there are exciting things happening at the OARDC and they are dependent upon the city providing water and sewer and without that the expansion and synergy between the OARDC and private industry won't happen. After a lengthy discussion, Mr. Buytendyk moved, seconded by Mr. Ulbright, 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 and the ordinance was adopted.

Ordinance No. 2005-35 amending various sections of Part Thirteen, Building Code, of the Codified Ordinances of the City of Wooster, Ohio, to update the Building Code was read by title, being on second reading. Mr. Buytendyk stated that this was mostly a housekeeping type of legislation to allow us to comply with changes in the Ohio Revised Code and the Ohio Administrative Code.

Ordinance No. 2005-36 providing for the issuance and sale of \$1,000,000 notes, in anticipation of the issuance of bonds, for the purpose of paying the property owners' portion, in anticipation of the levy and collection of special assessments, and the City's portion of the cost of improving East Milltown road and Melrose Drive between certain termini by grading, draining, widening, paving, resurfacing, constructing curbs, gutters,

sidewalks and driveway approaches, constructing a pedestrian bridge over Little Apple Creek, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto, and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that this was discussed at length on first reading and as he explained at that time, the notes were more of a short-term financial vehicle with the idea they will be turned into bonds which carry a longer period of time. This takes into account the city's portion of the project, the larger part being the property owner's assessed portion which they have the option of carrying out in 15-year installments. After a short discussion, Mr. Breneman moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously as follows: Griffin-yes; Silvestri-yes; Topovski-yes; Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-yes. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion carried unanimously as follows: Griffin-yes; Silvestri-yes; Topovski-yes; Ulbright-yes; Breneman-yes; Buytendyk-yes; Cavin-yes.

Ordinance No. 2005-37 amending Part 15, Fire Prevention Code, of the Codified Ordinances of the City of Wooster, Ohio was read by title, being on second reading. Mr. Buytendyk stated that this was another housekeeping-type administrative type of ordinance. Asst. Fire Chief Kuntz brought to our attention that there had been certain changes in the various codes and he suggested that we update our own code to match those changes.

Resolution No. 2005-88 authorizing the Director of Administration to purchase items of specialized technology was read by title, being on second reading. Mr. Buytendyk stated that this was just an alternative proposal to provide the capability of putting council meetings on Clear Picture for the citizens.

Resolution No. 2005-90 authorizing the Director of Administration to purchase items of specialized technology to wit: software for the Building Standards Division, and declaring an emergency was read by title, being on second reading. Mr. Breneman stated that this had been planned in the Building Standards Division budget for 2005 and was for a Franklin Information System software update. Mr. Monea stated that this would accomplish several things for us; in the IT department, we've been moving to sequel server based servers and this update of software that we already use is sequel server based so it's more compatible with the city's server systems. This sequel server is a more robust storage system and it also has enhanced security features for doing business over the Internet. Additionally, it's a multi-departmental version of the software that we don't currently have, so that this permitting software would be used by the engineering division for permits they issue, the fire division for permits they issue and even the administration department when they issue special events permits for downtown. Everyone's fee and data and recording can be kept separately and while each department can view each other's departments' data, it would be compartmentalized. It's also going to have land use features where our planning and zoning division keeps track of Building Board of Appeals' data, historically and current, as well as Planning Commission and Zoning Board approvals. This software will track all of that in this database. It also has a

property maintenance and housing portion of the software which will enable our property maintenance inspector to really accomplish a lot more with a lot less data entry. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion carried unanimously and the ordinance was adopted.

Resolution No. 2005-91 authorizing agreements with various applicants for the use of Economic Development monies was read by title, being on second reading. Mr. Ulbright recused himself from discussion and voting on this issue because as he stated at the last meeting, he did gain a benefit from the CVB. Mr. Breneman stated that this was something that each year generates interest and comments and sometimes anxiety but it is something we should all be pleased to have in front of us. These are economic development funds that were generated because people stayed in our hotels and paid a tax that we placed upon them back in 1997. Mr. Breneman reviewed the application process and discussion followed. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion failed by a 5-1 vote; Mr. Topovski casting the negative vote. The legislation remained on second reading.

Ordinance No. 2005-38 appropriating from various funds to individual accounts for the current expenses and other expenditures for the City of Wooster for the fiscal year ending December 31, 2006, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was our budget for 2006 and would involve a lot of discussion over the next three-four weeks. Mr. Breneman stated that we haven't received a detailed copy of the budget as stated in the legislation; however, we did receive a three-page spreadsheet which could be used as a "homework" page for us to review. It will be supplemented with the capital budget which is a work in progress. Mr. Breneman also passed out a one-page sheet that he had put together that was a summary of expenditures and revenues. Mr. Breneman reviewed the budget for the General Fund (which will occupy most of the discussion in the early stages). Discussion followed.

Ordinance No. 2005-39 to approve and adopt current replacement pages for the Codified Ordinances, and declaring an emergency was read by title, being on first reading. Mr. Buytendyk stated that in the traffic and general offenses sections we try to mirror the Ohio Revised Code as closely as possible. Without adopting this, there would be a slight conflict between our city ordinances and what the ORC provides for. Most of the changes were with the traffic code, which typically were misdemeanors. Mr. Buytendyk moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Buytendyk moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2005-40 amending the Annual Appropriation Ordinance was read by title, being on first reading. Mr. Breneman stated that this was something that happens from time to time especially near the end of the year where we need to move monies from the General Fund out into the different funds where monies have been expended or plan to be expended. This was for \$84,000 that was being moved to the Capital Improvements

Fund for the paying of the clean-up restoration and reforestation of the Christmas Run Pool area from the tornado that we had a couple years ago. Council did establish a tornado clean up fund shortly after the disaster happened and most of that money had been expended. This was money that had been appropriated for this expenditure. Mr. Breneman moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion carried unanimously.

Ordinance No. 2005-41 amending the Annual Appropriation Ordinance was read by title, being on first reading. Mr. Breneman stated that this again was moving money from one pocket to another. When our utility billing system malfunctioned and we got into utility back-up, the insurance from that break-down has come through now and paid some of that back to us in the amount of \$31,615.13 being appropriated to the different divisions. It's money we have expended for the u-billing process. Mr. Breneman moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-92 authorizing the Director of Administration to enter into an agreement with the Wayne County Commissioners for the prosecution of municipal ordinances by the Wayne County Prosecutor and for payment for such services, and declaring an emergency was read by title, being on first reading. Mr. Breneman stated that this was a contract with the prosecutor's office for their services in prosecuting our municipal ordinances. We've had this contract since 1976; last year we paid them \$51,000 for this service and this year they are asking for a slight increase up to \$52,200 for the 2006 contract. 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. Silvestri, to adopt. Upon roll call, motion carried unanimously.

Resolution No. 2005-93 authorizing the Director of Administration to contract with the Central Fire District Trustees for the furnishing of emergency ambulance services to a portion of Wayne Township, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that in the past we have assisted the township in EMS response to the area designated on the map that was provided. Mr. Benson stated that this was simply a renewal of the contract which has been in effect for many years; the only changes were the rates which would go up after the first year. Mr. Sigg stated that the contract was about \$9,000 a year and we do charge for squad calls out there as well. Mr. Silvestri moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-94 authorizing the Director of Administration to purchase vehicles in accordance with the capital plan for 2005, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that this called for the replacement of two vehicles in the police division which were the two cars used by the detectives. This amount was budgeted; we are receiving \$2500 on the two trade-ins. Mr. Ulbright asked

if the amount of \$21,644 was estimated for the two cars and if so, that was pretty remarkable. Mr. Silvestri stated that amount was correct. Mr. Silvestri moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2005-95 authorizing the Director of Administration to increase the amount of a contract with Fallen Timbers Tree Service for trimming and removal services, and declaring an emergency was read by title, being on first reading. Ms. Cavin stated that apparently, nature has not been good to our trees. Mr. Sigg stated that this was basically the trimming of trees in the parks and removal of trees from storm damage; a lot of this was from the ice storm we had last December and was more than what we usually spend. Ms. Cavin moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Ms. Cavin moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

### Miscellaneous

Mr. Silvestri stated that he appreciated the administration and some of the small town things we provide here in Wooster such as the leaf pick-up program; he receives great feedback from this program. It might seem small but it is such a great service; a lot of the people who might have trouble hauling away loads of leaves really appreciate being able to move them to the front of their property and have them hauled away. He even talked to a resident who had missed the pick-up day but the truck came back and picked their leaves up and they were very grateful; he wanted to say thanks to the crews who do the work.

After some discussion, Mr. Breneman set the following dates and times for finance committee work sessions: Monday, December 5 at 6:00 p.m. (prior to regular council meeting) and Tuesday, December 13 at 5:30 p.m., both being held in council chambers.

Mr. Buytendyk moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 10:20 p.m.

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Judith Mitten  
President of Council

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Sheila Stanley  
Clerk of Council