

CITY COUNCIL MINUTES
November 7, 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. Silvestri moved, seconded by Mr. Griffin, to approve the minutes of the October 3, 2005 meeting as received. Motion carried. Mr. Breneman moved, seconded by Mr. Buytendyk, to approve the minutes of the October 21, 2005 meeting as received. Motion carried.

Mr. Dordea stated that prior to council adopting the note ordinance on the agenda tonight, he was required by law to present council with a Fiscal Officer's Certificate which was mandatory whenever notes were issued. Mr. Dordea read the certificate.

Mike Sigg stated that every council member should have received tonight a copy of the economic development study that was funded through a grant from the Ohio Department of Development. Furthermore, the state of Ohio has an annual competition of waste water operators including a set of tasks both written and physical and our team from Wooster took first place in the State of Ohio and as a result was sent to Washington D.C. to compete nationally and our team won first in the nation.

Ed Schrader, 2460 Wimpole Street, spoke to the issue of the bed tax and asked them to remember the history of the bed tax. Tom Linebaugh, 2196 Ryan Court, stated that he was a member of the Main Street Board and the convention bureau board, felt that the bed tax does a lot of good for these two organizations. Steve Griffin, Mel Lane, spoke to the issue of televising the council meetings and to think of the cost effectiveness in terms of the amount spent. Susan Urang, 938 Pittsburgh Avenue, also spoke to the issue of televising the council meetings and her disappointment that he had vetoed the legislation. Ms. Mitten stated that all members of city council should have received a letter from Dean Fracca, 822 N. Bever Street and a letter from Alan Poulson that had asked questions better answered by the city administration regarding money spent for IT equipment. Mr. Sigg has already addressed that issue in a letter to Mr. Poulson. Ms. Mitten stated that Mr. Topovski had submitted a petition from residents of the Bloomington/Overlook area regarding a cul-de-sac at the north end of Overlook Drive and their request to permanently close the access drive to Sunrise Assisted Living. Ms. Mitten stated that it was her understanding that when Sunrise was being proposed for construction before the Planning Commission, that their motion to approve included the requirement that this access be closed off.

Mr. Breneman stated that the finance committee had been very busy and have held two meetings, the first to review the 2004 CAFR; the second meeting was to review the applications for economic development funds (bed tax funds). There was one application which combined requests from three entities – Main Street Wooster, Inc., Wooster Area Chamber of Commerce and the Wayne County Convention & Visitor's Bureau – and representatives were present tonight from each of these entities.

President Mitten asked that council read the first 23 pages of the economic development report that had been distributed earlier tonight, as that contained the meat of the study. Ms. Mitten

asked for a work session of city council of the whole on November 14, 2005 at 5:30 p.m. to review and discuss the report.

Ordinance No. 2005-33 authorizing the Mayor to enter into an annexation agreement with the Ohio Agricultural Research and Development Center, and authorizing the Director of Law to prosecute the proceedings necessary to effect it, and declaring an emergency was read by title, being on first reading. Mr. Buytendyk stated that this shouldn't come as much of a surprise as we've been negotiating with the OARDC and OSU regarding annexing their property and extending water and sewer lines to promote their BuyOhio development which they hope to get a partnership with private industry to work with them to develop new and future agricultural products. This annexation would bring additional income into the General Fund through income tax from the employees, plus it will give us a real opportunity for promoting economic development, as this was the "real deal" if BuyOhio takes off. A short discussion followed.

Ordinance No. 2005-34 authorizing the Mayor to execute an easement for an encroachment upon the public right-of-way, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried by a 6-1 vote; Ms. Cavin casting the negative vote. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that he had visited this site and had spoken with Mr. Bill Erdos regarding this and we're being asked to consider a 6' x 120' portion of ground that runs along the length of this alley. Mr. Ulbright stated that Mr. Erdos has in mind what Seattle's had done in the northeast quadrant of the square and that was to make an area where people could sit outdoors when the weather permits. This would just put into place legally what is already taking place. Mr. Sigg stated that this would not close the alley to pedestrian traffic but would allow the businesses to keep the stairways that are already in existence and already encroach into the alley. Discussion followed and upon roll call, motion to grant the easement carried unanimously.

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 first reading. Mr. Buytendyk stated that he had spoken with Mr. Monea, Chief Building Official, and basically, these changes were administrative and to come into line with the existing changes in the Ohio Revised Code and the Ohio Administrative Code. Ms. Cavin asked that this remain on first reading in order to have more time to review the many changes to this code. A short discussion followed.

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 first reading. Mr. Breneman stated that we passed the ordinance to proceed with this project a couple meetings ago and this was now in the works. This legislation would allow us to pay for the project; the way we fund projects of this size was a two-step process. Mr. Breneman explained the process of issuing notes and how this project was funded.

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 first reading. Mr. Buytendyk stated that the Department of Commerce that oversees the state fire marshal's office has promulgated a new Ohio Fire Code, so we're amending our ordinance to come into line with the new provisions of the Ohio Fire Code. This was an administrative type ordinance to make sure our laws keep pace with changes in the state laws.

Ordinance No. 2005-88 authorizing the Director of Administration to purchase items of specialized technology was read by title, being on first reading. Mr. Buytendyk stated that this was an alternative proposal for getting council meetings on cable television. This was in response to the apparent need expressed by the citizens and at the same time, he felt it was council's duty to expend tax dollars wisely. A short discussion followed.

Resolution No. 2005-89 authorizing the Director of Administration to advertise according to law and enter into a contract with the lowest and best bidder for the construction of sidewalks and curb ramps on portions of Quinby Avenue and North Bever Street, and declaring an emergency was read by title, being on first reading. Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Ulbright stated that this was the final step where we go to bid to have the sidewalks constructed, with the sum of the contract not to exceed \$32,620 payable from the Capital Improvement Fund. This project would fill gaps in sidewalks on major streets with high pedestrian and vehicular traffic. Upon roll call, motion to adopt carried unanimously.

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 first reading. Mr. Breneman stated that this concerned some software upgrades for a system we have in place in the building division that services our building, planning, engineering and fire divisions. This was a capital improvement item and was budgeted not to exceed \$28,214. Mr. Cavin had some questions for the IT department and hoped that someone would be present at the next meeting to answer those questions. She was concerned with the \$330,000 worth of existing software that the city was sitting on and hasn't been able to use yet. She understood from Mr. Sigg that the IT department was still working on that but she would like to be overly cautious with regard to any new software.

Resolution No. 2005-91 authorizing the agreements with various applicants for the use of Economic Development monies was read by title, being on first reading. Mr. Breneman stated that these were funds generated from hotel usage within our city and was the bed tax funds alluded to earlier. Notice was published twice in the local newspaper that applications for these funds were available in the mayor's office with the deadline of October 17 to submit applications. We received one application which was a joint request from the three entities mentioned earlier. Mr. Breneman explained how the bed tax monies were collected and that the City receives 3% of those funds used for promoting economic development in our city. He then reviewed the breakdown of funding allocated to each entity as decided upon at the finance committee work session. Mr. Ulbright stated that his business, CJ Trains, works with the Wayne County Convention & Visitor's Bureau to help advertise his shows so he felt compelled to recuse himself from discussion and voting on this legislation. Mr. Topovski stated that his company was a member of the chamber so he wondered whether that put him in a position where he

needed to recuse himself from discussion of this issue. After several legal-type questions from Mr. Benson, 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. Mr. Breneman stated that it was his plan to move to third and final at the next meeting so that we meet our deadline set in the application.

Miscellaneous

Erwin Reidner, 944 Forest Drive, had a question regarding Res. 2005-88 presented by Mr. Buytendyk. One of the reasons he was in favor of the resolution the Mayor vetoed was that it included an aspect of education for the students at the career center and he wondered whether Mr. Buytendyk's resolution took into account some sort of joint effort with the career center or other youngsters to help with this project. He also wondered if Mr. Buytendyk had consulted with experts regarding the technology he was proposing. Ms. Mitten stated that this resolution had been left on first reading so Mr. Buytendyk would have time to take note of the questions asked and will have the opportunity to respond to your questions in his presentation at the next council meeting.

Mr. Topovski asked what the conflict was with the fire chief; after 31 years we had two fire chiefs and we've had three chiefs over the past four years. Was there a conflict we need to address that we can't keep a fire chief. Mayor Howey said there wasn't a conflict; Mr. Bishop was at a point where he could go and chose to do so earlier than we anticipated. He felt the stress was more than what he needed at the time.

Mr. Silvestri thanked everyone for coming out tonight; it was good to see this level of community involvement and he reminded everyone to go out and vote tomorrow.

Mr. Breneman stated that he wished to reiterate how pleased he was about the OARDC annexation agreement; the administration is to be well congratulated for bringing this to fruition.

Mr. Ulbright said like Mr. Breneman he too was looking forward to voting on that annexation as soon as possible and he would urge the administration to address the questions he had posed earlier in order to make that possible.

Mr. Buytendyk moved, seconded by Mr. Griffin, to adjourn. Motion carried and the meeting adjourned at 9:02 p.m.

Judith K. Mitten
President of Council

Sheila Stanley
Clerk of Council