

## CITY COUNCIL MINUTES

October 15, 2007

7:30 p.m.

### I. ROLL CALL & ORDERING OF AGENDA

President Pro Tem Bob Breneman 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, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

### II. APPROVAL OF MINUTES

Mr. Ulbright moved, seconded by Mr. Topovski to approve the minutes of the October 1, 2007 meeting.

### III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Mitten updated council on various projects and activities in the city, featuring the Maintenance Division.

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Wayne County Commissioners Ann Obrecht and Scott Wiggam spoke to council regarding changes in funding of the Stark-Tuscarawas-Wayne Joint Solid Waste Management District's recycling and composting grant programs. A chart was passed out explaining the funding criteria grants will be based on.

The following members of the audience spoke on the following issues:

Sidewalks on Northwestern and Westridge: Howard Zuercher, 510 Beechwood; Roger Krites, 706 Northwestern; Darlene May, 1011 Oak Hill; Gordon Shull, 824 Northwestern; Max Hughes, 802 Northwestern; Norma Barber, 956 Northwestern; Pat Newhouse, 721 Westridge; Jane Carmichael, 812 Northwestern; Gary Leisure, 746 Northwestern. CRA expansion: Craig Sander, 870 Woods Edge Ct. and Dorothy Iams, 2645 Eastwood. General Comments: Greg Gehris; 347 N. Grant.

### V. COMMITTEE REPORTS; PUBLIC HEARINGS

David Silvestri, chairman of the Safety Committee, reported on the October 15, 2007, 6:00 p.m. meeting held in council chambers. The Strategic Master Plan and Fire Facilities Study completed by Architectural Resources was discussed. Based on square miles and population, the outcome of the study showed an additional fire facility will be needed in the future to provide proper coverage and reduce response times within the city.

### VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2007-53 AMENDING CHAPTER 357, PARKING VIOLATIONS BUREAU, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO.  
(Ansel)

Mr. Ansel introduced the legislation to increase downtown parking violation fines. The primary purpose for the change is to discourage repeat violators and the statistics showing this as a problem were requested at the last meeting. Mr. Ansel referred to a summary provided by Chief Glick listing 45 individuals as repeat violators who have received as many as 13 tickets apiece. He also indicated that according to Chief Glick this proposed penalty structure is the norm compared to other communities. There being no further discussion, Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

2. Third Reading - ORDINANCE NO. 2007-54 AMENDING ORDINANCE NO. 2004-33 BY EXPANDING THE BOUNDARIES OF WOOSTER COMMUNITY REINVESTMENT AREA #1.  
(Topovski)

Mr. Topovski and Mr. Ansel recused themselves from the discussion. Mr. Breneman introduced the legislation and stated the Community Reinvestment Area (CRA) has worked extremely well for Wooster especially in the downtown area. Now there is an opportunity to expand the existing CRA district in an area approved as an Enterprise Zone (EZ). An EZ is another development tool used to encourage economic development but new

information received indicates due to changes in the Ohio tax law the EZ has lost its competitive advantage, whereas CRA's are recognized as good economic drivers to bring in new industry and expansion. Mr. Breneman referred to a revised map showing the proposed CRA expansion. A lengthy discussion followed.

Mr. Ulbright made a motion that an amendment be substituted within the proper text of the legal description in the ordinance to read, "thence continuing in a northeasterly direction along the centerline of SR 585 to the intersection of Long Road and SR 585, then continuing in an easterly direction along the centerline of Long Road to the intersection of Long Road and Geyers Chapel Road, thence continuing in an easterly direction to the northeast corner of parcel 65-01314.000; thence continuing in a southerly direction along with parcels eastern boundary and corporation limit to the centerline on Dover Road (US 250)". Ms. Cavin seconded the amendment. Upon roll call, motion to adopt the amendment failed 2-3 (Breneman NO; Cavin YES; Griffin NO; Silvestri NO; Ulbright YES).

Mr. Breneman moved, seconded by Mr. Griffin, to adopt the original ordinance. Upon roll call, motion to adopt the original ordinance failed 2-3. (Breneman YES; Cavin NO; Griffin YES; Silvestri YES; Ulbright NO).

3. Third Reading - ORDINANCE NO. 2007-55 AMENDING CHAPTER 1512, EMERGENCY AMBULANCE SERVICE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY CLARIFYING THE DUTIES OF THE CHIEF OF THE DIVISION WITH RESPECT TO CONTRACTS WITH OTHER GOVERNMENTS FOR MUTUAL AID. (Ansel)

Mr. Ansel indicated this ordinance was held on 2<sup>nd</sup> reading until Mr. Silvestri could be present. The one revision to Chapter 1512, noted in paragraph b, reads "When in the judgment of the Chief of the Division it is necessary to do so, such services may be provided by contract, as provided in Section 131.08 of the Codified Ordinances." This gives the fire chief the opportunity to enter into mutual aid agreements to ensure the highest level of safety and response times to those outlying areas, of most recent is the annexation of the OARDC. The fire chief has had the same responsibility in the past and this additional language is to clarify that responsibility. Mr. Ulbright expressed concern that adjacent volunteer fire departments would be contracted with for coverage as opposed to hiring additional city firemen. Mr. Silvestri assured that issues regarding response times, equipment, knowledgeable personnel, etc. are brought into account before entering into mutual aid contracts with other departments. Mr. Ansel stated the mayor, administration and fire chief's first and foremost priority is public safety as is the firefighters for the city of Wooster and this amendment is a revision of language for clarification purposes. Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

4. Second Reading - ORDINANCE NO. 2007-57 AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated this ordinance was held on 2<sup>nd</sup> reading so council members could view the proposed changes recommended by the Traffic Commission and he assumed everyone had done that. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

## **VII. NEW BUSINESS**

1. First Reading - INFORMAL RESOLUTION SUPPORTING THE OHIO COALITION FOR RESPONSIBLE LENDING'S ADVOCACY FOR FAIR AND JUST LENDING PRACTICES BY PAYDAY LOAN ESTABLISHMENTS IN THE STATE OF OHIO, AND THE URGING THE OHIO GENERAL ASSEMBLY TO ADOPT LEGISLATION TO PROTECT ALL OHIO RESIDENTS FROM UNFAIR LENDING PRACTICES BY ESTABLISHING A RATE CAP FOR PAYDAY AND SMALL LOAN LENDING AT AN APR OF 36% AND OTHER MEASURES TO HELP BREAK THE CYCLE OF CHRONIC BORROWING PAYDAY LENDING CREATES.

Mr. Breneman was not aware he was to sponsor this informal resolution and therefore was not comfortable in doing so. He withdrew the legislation and will possibly have it put on the next meeting's agenda.

2. First Reading - RESOLUTION NO. 2007-86 DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALKS AND CURB RAMPS ON PORTIONS OF NORTHWESTERN AND WESTRIDGE AVENUES, AND DECLARING AN EMERGENCY. (Topovski)

Mr. Topovski stated in 2005 the Infrastructure Committee created the program Plugging the Gap for Safety's Sake which is intended to install sidewalks on improved streets. Some of the criteria include public use, safety and locations where children walk to school. A survey of the entire city was done ranking neighborhoods by priority in need of sidewalks. Several of those neighborhoods have gotten sidewalks. Wooster City Schools submitted a list of streets where they felt sidewalks should be installed, but they were all on unimproved streets, which do not get sidewalks. Other locations were discussed and it was narrowed down to the Armstrong Drive area and Northwestern/Westridge area. Criteria considered in the selection of Northwestern/Westridge area were the proximity to Parkview School, senior citizens living in the established neighborhood, easy access to public facilities such as the YMCA and Christmas Run Park. There was a neighborhood meeting where many concerns and questions were addressed. Mr. Topovski felt this legislation needed to move forward and noted he is very cognizant of the concerns of those in attendance at the meeting. He indicated he had not been able to review the final drawings prepared by the city engineer, but he did speak with Mr. Montgomery, who indicated sidewalks would be installed on both sides of the streets in the entire area. Mr. Topovski feels many people would like to review the specifications and discuss the issue further and therefore he would keep the legislation on first reading. He also referred to Section 903.10 of the Codified Ordinances, Sidewalks on Improved Streets, passed February 2, 1986. Mr. Silvestri and Mr. Breneman, members of the Infrastructure Committee, both felt the legislation should be pulled and reconsidered at the committee level. Ms. Cavin and Mr. Ulbright expressed concerns that they were not invited to attend the neighborhood meeting. A lengthy discussion followed. Mr. Topovski stated he would make council members aware of any future meetings and that he did not want to take the legislation off the agenda, but would like it to remain on first reading so it could be reviewed. Legislation remained on first reading.

3. First Reading - RESOLUTION NO. 2007-87 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH REA & ASSOCIATES, INC. FOR AUDITING SERVICES, AND DECLARING AN EMERGENCY. (Breneman)

Mr. Breneman indicated this resolution is to approve a yearly audit of city finances including the hospital. City administration is recommending entering into a four year contract for auditing services with REA & Associates. Mr. Dordea sent out eight bid proposals to companies chosen by the City and the State of Ohio Auditor's office. REA & Associates submitted the only bid. Mr. Breneman indicated everyone should have received a memo regarding the bid proposal, which shows a 5.4% increase for the 2007 audit and a 2% per year increase per year for the next three years. There was no further discussion. Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

## VIII. MISCELLANEOUS

The following members of the audience spoke: Gordon Shull, 824 Northwestern (sidewalks); Max Hughes, 802 Northwestern (CRA); Howard Zuercher, 510 Beechwood (sidewalks); Greg Gehris; 347 N. Grant (sidewalks, CRA and Fire Division).

Mr. Ulbright commended those in attendance for showing up to meeting and expressing concerns. He also requested the amended CRA legislation be put on the November 5<sup>th</sup> agenda.

Mr. Ansel stated that if the amended CRA legislation were to be put on the next agenda he would be able to participate in the vote as the original CRA expansion legislation included an industrial parcel which possibly could have impacted his business and that is why he recused himself.

Mr. Breneman requested administration make council aware of future informal resolutions they are to sponsor. He had very little information about the informal resolution on tonight's agenda and that is the reason he withdrew it as he did not feel comfortable sponsoring it even though he felt it may have had merit. Mr. Breneman also expressed disappointment that the CRA issue failed.

Mr. Silvestri thanked those who attended the council meeting and the safety committee meeting.

Mr. Griffin too expressed his disappointment that the CRA expansion did not pass.

Mr. Topovski indicated he recused himself from the CRA voting because of family owned property that would have been included in the CRA expansion and did not want to have a conflict of interest. He thanked those residents who voiced their concerns regarding the sidewalk project and assured them it will be looked into further.

Ms. Cavin thanked members of the public who came to the meeting to express their concerns. Ms. Cavin then made a motion to adopt new legislation, Ordinance #2007-58, to expand the CRA district. There was much discussion on the proper procedure of the meeting. Ms. Cavin made a motion to re-open the business section of the meeting to consider a new piece of legislation, seconded by Mr. Ulbright. A lengthy discussion followed. Upon roll call, motion carried 6-1 (Griffin NO). Meeting was re-opened to the new business section. Mr. Breneman declared a five minute recess to prepare the appropriate legislation. At 10:20 p.m. roll call was taken to reconvene the meeting.

4. First Reading -                   ORDINANCE NO. 2007-58 AMENDING ORDINANCE NO. 2004-33 BY  
EXPANDING THE BOUNDARIES OF WOOSTER COMMUNITY REINVESTMENT  
AREA #1. (Topovski)

Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski indicated he did not have prior knowledge of the drafting of this legislation. There was no further discussion. Mr. Topovski moved, seconded by Ms. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously.

## **IX. ADJOURNMENT**

Mr. Ansel moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 10:30 p.m.

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Robert F. Breneman  
President Pro Tem of Council

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Cheryl K. Collins  
Acting Clerk of Council