

CITY COUNCIL MINUTES
October 19, 2009

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Bob Henery, Ed Schuch, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Buytendyk moved, seconded by Mr. Steiner, to approve minutes of the October 5, 2009 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) College of Wooster celebrated their first evening football game under stadium lights and also the completion of the northern section of Beall Avenue Streetscape; 2) Beall Avenue is open from University north to Bloomington; 3) Friends of Wooster Memorial Park celebrated the addition of newly acquired land (Strock property & land donated by Monitor Bank); 4) Demolition has begun on the Freedlander building; 5) Economy seems to be looking up, seeing more stability in businesses and possible growth; and 6) Asked council to consider adjourning into executive session at the end of the meeting to discuss the acquisition of property.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following member(s) of the audience spoke: Marie Draper, 2250 Melrose and Bill Wallace, 5621 Bechtel Rd. (Landlord/Tenant issues).

V. COMMITTEE REPORTS; PUBLIC HEARINGS (None)

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2009-26 AMENDING ORDINANCE NO. 2008-28 BY IDENTIFYING AND AUTHORIZING A NEW MANAGEMENT POSITION (Buytendyk)

Mr. Buytendyk stated last year a management employee retired and the director of administration is recommending that her position of Planning and Zoning Manager, an Unclassified position, be amended to the Classified position of City Planner. The duties of the new position will be more broad scoped, working with the building code and planning issues, while the salary offered can be more flexible.

Mr. Buytendyk 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Buytendyk moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. Second Reading - ORDINANCE NO. 2009-27 AMENDING PART 11, PLANNING AND ZONING CODE, AND PART 13, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Buytendyk)

Mr. Buytendyk stated city administration recently reviewed the municipal planning and zoning code and they believe it is both necessary and appropriate to merge the duties and responsibilities of the boards of zoning appeals and building appeals. This will streamline the code and put the boards as one. There is no major changes in terms of requirements to the building and zoning codes, just that they will now be within one ordinance as opposed to two separate ordinances and there will be one board as opposed to two distinct boards.

Mr. Buytendyk 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Buytendyk moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2009-29 LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF SIDEWALKS AND CURB RAMPS ON PORTIONS OF NORMANDY DRIVE; AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated council passed Resolution No. 2008-74, calling for the necessity of constructing sidewalks and curb ramps on Normandy Drive. Construction is now complete with the final project cost totaling \$18,100.81. The city can begin recovering costs for the sidewalk construction and need authorization to file and levy the special assessments. Mr. Ulbright noted the final assessments were \$8,000 less than the original estimate. This project continues the city's sidewalk construction and replacement program, filling the gaps on improved streets where a sidewalk was not placed.

Mr. Ulbright 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. First Reading - RESOLUTION NO. 2009- 76 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SEALANT FOR THE REPAIR OF CITY STREETS, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated this resolution calls for the Director of Administration to enter into a contract for the purchase of sealant for the repair of city streets. The amount of the purchase exceeds \$15,000.00, but is less than 25,000.00, and is exempt from the competitive bidding requirement. The estimated total cost of the project is \$22,000 for material to use in the Crafcro machine for the preservation of pavement. The material is placed in road cracks to extend the life of cement streets.

Mr. Ulbright 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Henery, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2009-77 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH STAFFING PARTNERS OF WOOSTER, OHIO FOR SEASONAL TEMPORARY SERVICES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated this contract is to provide temporary seasonal staffing for the Maintenance Division's leaf pickup services and Parks Division's routine winter closure. This is a yearly function and is a budgeted item, exceeding the amount of \$15,000, but less than 25,000.00, requiring council approval.

Mr. Ansel 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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

4. First Reading - RESOLUTION NO. 2009-78 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the Infrastructure Committee has been working with Wooster City schools trying to identify top priorities regarding sidewalk improvement. Melrose Elementary is located on Melrose Drive which is an unimproved street and therefore at the top of the school's priority list. This project is the next highest roadway priority on the City's infrastructure plan, and will complete the corridor project connecting the NW commercial district of the City with the eastern commercial district. West Milltown, Milltown/Friendsville/SR83, and East Milltown were previously completed phases of this corridor project. This section is the remaining link between Portage and E. Milltown. The estimated total cost of the Melrose Drive improvement is \$2,139,500. The grant from the Ohio Public Works Commission, for up to \$500,000, would cover 23% of the project. Mr. Montgomery explained OPWC has not awarded any grant funds yet. They are reviewing the fundable projects and establishing the final list and requested this legislation in order to complete the application package.

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; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

5. EXECUTIVE SESSION

Mr. Buytendyk moved, seconded by Mr. Ansel, to go into executive session to discuss land acquisition. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch –yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Council adjourned to executive session at 8:05 p.m.

Mr. Ansel moved, seconded by Mr. Henery, to adjourn from executive session. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Henery-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes). Council adjourned from executive session at 8:38 p.m.

VIII. MISCELLANEOUS

Mr. Ulbright asked city administration for an update on the Enviro Clean investigation, what dates the consultants were in town and if the Board of Zoning Appeals would discuss the matter at their November meeting. Mr. Benson stated the Enviro Clean matter was tabled by the BZA for 60 days or until their December meeting. According to Mr. Benson, the consultants have been in town three times, September 16th, October 7th and 16th. They have met and interviewed the owner of Enviro Clean, discussed the processes, toured the Enviro Clean facility and looked at the neighborhood around the facility. They have issued a proposed plan but Mr. Benson was unable to go into detail.

Mr. Silvestri received a number of complaints regarding 4:30 a.m. trash pickups at a commercial strip in the northwest section of town. The situation has gotten better as the dumpster is now being emptied later in the morning. Mr. Silvestri thanked Mr. Sigg for contacting the refuse company and his diligence in following up on the matter.

IX. ADJOURNMENT

Mr. Steiner moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:45 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council