

CITY COUNCIL MINUTES
September 19, 2011

At 7:20 p.m. Mayor Breneman gave oaths of office to three Wooster Police officers: 1) Scott Rotolo, promoted to lieutenant; 2) Victor Nedoma, promoted to sergeant; and 3) Ryan Laskowski, sworn in as a new police officer. Wooster Police Chief Matt Fisher presented three Life Saving Awards to Officers Matt Simon, Rob Henderson and Ken Saal.

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:41 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright. Mike Buytendyk was not in attendance.

Mr. Ulbright requested a change in the order of the agenda, asking for Resolution No. 2011-76 to be placed before Ordinance No. 2011-23 on the agenda, allowing for proper succession of the Melrose Drive project legislation. There were no objections.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ulbright, to approve minutes of the September 6, 2011 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Approximately 500 College of Wooster students helped with plantings at Oak Hill Park and it was a huge success. Mayor Breneman thanked all the volunteers as well as gave recognition to Daryl Decker for coordinating these efforts, along with the public property maintenance crews. 2) The Auditor of State certified the City of Wooster's Comprehensive Annual Financial Report (CAFR) for 2010. The report is posted on the city's website and a printed copy will be issued to council.

Dick Benson distributed to council a fully signed report of the Assessment Equalization Board (Resolution No. 2011-76). He also followed up on questions raised at the last council meeting regarding information received on a local apartment complex. According to Mark Nussbaum, the City's Property Maintenance Officer, he inspected the property and found it to be in compliance and that none of the conditions complained of actually existed.

Chief Matt Fisher shared information concerning the parking situation at the College of Wooster's football game over the past weekend. He said there did not seem to be any of the same problems that were seen at the previous week's football game. He also reported that the Party on the Green went well and ended when it was suppose to.

Mayor Breneman gave sincere thanks to the three individuals who volunteered to serve on the Assessment Equalization Board for the Melrose Drive project, Bob Metz, Sarah Baker and Craig Sanders, along with Joel Montgomery and Dick Benson for their assistance.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC (NONE)

V. COMMITTEE REPORTS; PUBLIC HEARINGS (NONE)

VI. OLD BUSINESS (NONE)

VII. NEW BUSINESS

1. First Reading - RESOLUTION NO. 2011-76 APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE MELROSE DRIVE PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright thanked the three members of the Equalization Board, as well as Joel Montgomery and Dick Benson, for their diligent work. Mr. Ulbright referred to the report of the Equalization Board and highlighted some of their

findings. A total of twenty objections were timely filed and considered. It was determined that there was merit to the objections of owners who fell into a single classification, who own property that does NOT have frontage on the improvement. With respect to properties that have neither frontage nor driveway approaches on Melrose Drive, the proposed assessment for all such properties (including those for which objections were not filed) should be reduced by ten percent (10%). Mr. Montgomery indicated letter 3B in the report is a general provision that did not apply to any of these properties.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

2. First Reading - ORDINANCE NO. 2011-23 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF MELROSE DRIVE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, 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 (Ulbright)

Mr. Ulbright said council adopted Resolution No. 2011-65, the Resolution of Necessity, on July 5, 2011 and tonight adopted Resolution No. 2011-73, approving the report of the Assessment Equalization Board. He said the city is fortunate to be receiving some state funding for this project, which will improve Melrose Drive, providing vehicle and pedestrian safety, as well as safety for children walking to Melrose Elementary School, in conjunction with the Safe Route to Schools program.

Mr. Ulbright moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

3. First Reading - ORDINANCE NO. 2011-24 AMENDING ORDINANCE NO. 2000-58 BY ADDING AND DESIGNATING PROPERTIES WITHIN THE CITY OF WOOSTER'S PUBLIC SQUARE LANDMARK DISTRICT (Buytendyk)

Mr. Ansel said this ordinance solicits the expansion of the Public Square Landmark District. Several properties in downtown Wooster have requested to be brought into this historical preservation program, which Mr. Ansel said is interesting, as sometimes there can be resistance to the protocols and procedures required by such programs. The property owners seeking inclusion into the district are listed on the attachment to the ordinance. Mr. Ansel said this initiative was started in 1995 when the City of Wooster created the Design and Review Board, adopting design guidelines for the Wooster Historical Properties District in downtown Wooster, for the preservation of historic buildings and requiring properties within the district to adhere to predetermined standards. City Council received a letter from the Design & Review Board recommending approval, by their board and the Planning Commission, of the inclusion of these parcels in to the Public Square Landmark District.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

4. First Reading - RESOLUTION NO. 2011-77 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PAVEMENT REPAIRS, MICROSURFACING AND PAVEMENT MARKINGS, LYING WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said this is another project the City of Wooster and ODOT will share construction costs at an 80/20 ratio. ODOT is proposing to resurface SR3 from the bridge over US30 at the south edge of Wooster to Jacobs Lane south of Wooster, and a portion of this section of roadway is inside the Wooster corporation limits. The city is agreeing to pay 20% (\$2,900) of the paving costs for the roadway located inside the city limits.

Mr. Ulbright moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

5. First Reading - RESOLUTION NO. 2011-78 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR REPAIRS TO A COMBINED SEWER LATERAL ON PEARL STREET, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri said these circumstances are complicated and involved and it is an urgent situation. A sewer lateral, installed in 1969 on Pearl Street between Buckeye and Bever, is undersized for multiple residences and is full of roots. Several back-ups have occurred and the existing lateral is directly under a gas main. At least one residence can not use any sewer facilities at this time. The proposal is for the city to purchase the materials and hire a contractor to perform the new sewer and manhole installation. Materials should be around \$10,000 with the total cost of the contract not exceeding \$35,000.00. Mr. Montgomery further explained the situation.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

6. First Reading - RESOLUTION NO. 2011-79 AMENDING RESOLUTION NO. 2010-22 BY INCREASING THE AMOUNT OF THE CONTRACT (Ansel)

Mr. Ansel said the original targeted funding goal for the Oak Hill Park Trail project through the Wooster Community Foundation was \$500,000. In the intervening time, additional donations and interest earned on investments increased the amount available, resulting in a surplus of approximately \$40,000. Mr. Ansel said some of the initial contingency cut backs in the original budget are now able to be funded successfully and council approval is needed in order to authorize additional expenditures up to \$542,000 to cover the cost of these additional improvements. Mr. Ansel thanked the Wooster Community Foundation, the Noble Foundation and the City of Wooster in making this project come to a successful completion.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

7. First Reading - RESOLUTION NO. 2011-80 AMENDING RESOLUTION NO. 2010-64 BY INCREASING THE AMOUNT OF THE CONTRACT (Ansel)

Mr. Ansel said this is an expenditure that went over the initial budgeted allocation of \$85,000. The project came in at \$102,000 and additional funding of \$17,000 is needed to complete the project, which is funded 80% by ODOT and 20% by the city. The contract is with GPD Association of Akron for design services related to the reconstruction of Friendsville Road, from Milltown Road to Riffel Road. The additional services required include: 1) US Army Corps of Engineers Waterway Permit preparation and application. 2) Retaining wall design not originally anticipated. 3) Additional ODOT LPA services. 4) Additional services for design revisions due to changes in ODOT design standards. Mr. Ansel said this was a change by ODOT in the specifications that resulted in the over budget performance, but the total design services, with additions, is still less than 6% of the construction cost and well below the industry standard of 10%.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

8. First Reading - RESOLUTION NO. 2011-81 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT TO PARTICIPATE IN THE COMPREHENSIVE DOWNTOWN REVITALIZATION TIER TWO PROGRAM; TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said the Office of Housing and Community Partnerships (OHCP), a division of the Ohio Department of Development, has approved the City of Wooster's request to apply for \$400,000 in downtown building and streetscape revitalization grant monies. These grant monies, which can be used to improve private buildings and public infrastructure within a municipality's downtown, are granted to communities on a competitive basis and are not guaranteed by submitting an application. Mr. Ulbright said it is the city's understanding that nine additional communities received pre-approval to submit a grant application to OHCP. In order to document support of the City of Wooster's application, a resolution by council approving the submission of an application is required and the deadline for applying is October 4, 2011. Mr. Benson further explained that if these funds are received they will be used for the construction and infrastructure improvements of a public parking lot located directly behind the Merchant's Block site, the former Freedlander site. This lot will increase the number of currently available downtown parking spaces by at least a dozen.

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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

VIII. MISCELLANEOUS

Ms. Knapic said it was wonderful to see council chambers filled with the supportive families, friends and fellow officers of the policemen being acknowledged. She thanked the members of the Equalization Board for their hard work on the Melrose Project. Also, she thanked Chief Fisher for doing a nice job during last weekend's College of Wooster football game and Party on the Green.

Mr. Ansel reiterated Ms. Knapic's comments regarding the police forces celebration of the promotions and the distinguished awards given.

Mr. Steiner said the promotions and life saving awards given out by the police department once again show the outstanding quality and dedication of our safety services.

Mr. Silvestri said it was terrific to see council chambers packed for such a positive event held prior to tonight's meeting. He wished all the best to the three officers promoted and the three who received the life saving awards, saying it is tremendous to be able to honor our officers in the City of Wooster with these recognitions. Mr. Silvestri also thanked Chief Fisher for getting back with him regarding the noise issues at Murphy's Market Grill. A number of elderly residents living nearby are continually affected by this and Mr. Silvestri said hopefully the situation will continue to improve. He also commended Chief Fisher for his work over the weekend at the college game.

Mr. Ulbright said it was a real treat to see the police department recognize members of its department for outstanding achievements. Mr. Ulbright said it was a good night for city council, listing all the projects that were addressed at the meeting which will be moving forward. He said he is very proud of Oak Hill Park, which some felt the city could have foregone in these thin financial times, but Mr. Ulbright said its amazing how many things come out of hard times and he believes future generations who use the park will be glad the project wasn't postponed. Also, Mr. Ulbright hopes the city will be awarded the state funding to be used in our downtown revitalization.

Mr. Cavin expressed congratulations and appreciation to the police department, namely Officers Simon, Henderson and Saal for their life saving award recognition, and to Officers Nedoma, Rotolo and newly sworn in Officer Laskowski. Mr. Cavin said it's the police and fire departments that keep us all safe and they are truly our home town heroes.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 8:35 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council