

**CITY COUNCIL MINUTES**  
**January 6, 2014**

**I. ROLL CALL & ORDERING OF AGENDA**

President Mike Buytendyk 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, Mark Cavin, Scott Myers, Craig Sanders, David Silvestri, and Jon Ulbright. Barbara Knapic was absent.

City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Finance Director Andrei Dordea and Law Director Dick Benson.

**II. APPROVAL OF MINUTES**

Mr. Cavin moved, seconded by Mr. Myers, to approve the December 16, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mr. Breneman addressed council to emphasize the importance of Ordinance No. 2014-01, which would authorize city administration to move forward with the purchase of land for the site of a water tower needed for Daisy Brand's new facility. Mr. Breneman explained that the previously purchased site on Schellin Road is no longer viable due to changes in Federal Aviation Administration standards. Secondly, Mr. Breneman stated that Ordinance No. 2014-02 would authorize the Mayor to enter into a tax abatement agreement. Mr. Breneman stated that this is vital to the agreement to bring the Daisy Brand company to the City of Wooster.

Mr. Dordea informed council that there was no activity related to the Linked Deposit Program in 2013.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The following member of the audience spoke: Lee Barber, 956 Northwestern Ave (Res. No. 2014-02).

Mr. Stan Popp of the Wayne Metropolitan Housing Authority (WMHA) presented the agency's proposal to construct at 44-unit, barrier-free, residential housing facility on Akron Road. Mr. Popp stated that the application submitted last year did not score high enough to receive the hoped for grant money. Due to a change in the scoring formula, WMHA would like to apply again this year and is requesting a letter of support from council. Mr. Popp stated that proximity to the location of the new Daisy plant would also improve the score for the WMHA application. Council members will consider the project and a letter of support at council's next meeting on January 21<sup>st</sup>.

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Buytendyk advised that proposed committee assignments had been circulated to council members.

Mr. Ulbright moved, seconded by Mr. Ansel, to approve the proposed committee assignments. Upon voice vote, motion to approve carried unanimously.

Mr. Buytendyk stated that council next needed to appoint a President pro tempore and stated that he thought Mr. Ansel did a fine job during the previous year.

Mr. Ulbright moved, seconded by Mr. Silvestri, to approve Mr. Ansel's re-appointment. Upon voice vote, motion to approve carried unanimously.

Mr. Buytendyk stated that council also needed to appoint a council clerk for the coming year.

Mr. Cavin moved, seconded by Mr. Silvestri, to approve re-appointing Ms. Hamilton. Upon voice vote, motion to approve carried unanimously.

## **VI. OLD BUSINESS**

1. Second Reading – RESOLUTION NO. 2013-98 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

Mr. Ansel stated that all council members should have received a packet containing a summary of all current enterprise zone and community reinvestment act agreements (CRA). Mr. Ansel noted that the information came from the Tax Incentive Review Council (TIRC) meeting at which the council reviewed each of the agreements for fulfillment of the requirements of each agreement. Mr. Ansel also noted that all of the agreements were recommended to continue and all were approved unanimously by the TIRC. Mr. Cavin asked if Eldorado Stone had met their commitment. Mr. Silvestri noted that, in the case of Technographics, council voted to reduce that abatement to zero percent, and he wondered if the TIRC had any discussion of reducing the abatement percentages based on not meeting the agreement criteria. Mr. Ansel noted that, in the case of Eldorado Stone, the portion of the building used for warehousing is abated and the portion set aside for manufacturing is not. Mr. Sanders asked why the TIRC would approve to continue an agreement if the entity in question did not meet all of the criteria of the agreement. Mr. Breneman responded the TIRC considers several criteria to evaluate the benefit of the abatement to the community and whether or not to recommend to continue it. Mr. Buytendyk recommended that council members contact members of the TIRC if they have questions about why an agreement was approved by that body. Mr. Benson noted that changes to agreements have to be approved by council and those determinations are not made by the TIRC. Mr. Benson also stated that council members are welcome to listen to the recording of the TIRC meeting, which is kept at city hall. Mr. Myers asked if it was possible to adjust the abatement percentage based on the percentage of met goals. Mr. Montgomery cautioned that it would be difficult to apply fairly across all of the agreements. Mr. Millea provided further explanation as to the minimum thresholds for the agreements and other requirements of the agreements. Mr. Ansel stated that he would leave the legislation on second reading.

## **VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2014-01 AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders stated that this ordinance is a time-sensitive matter and though he had received a call from a resident in the area who asked that council not vote on the measure until the next council meeting, he intends to ask for a suspension of the rules to vote on the legislation that evening. Mr. Sanders said that Mr. Sanders stated that the proposed purchase is for 8.5 acres on the west side of Melrose Drive opposite the intersection with Springwood Lane. The property is currently owned by 5L Farms and would be for the construction of a 1.5 million gallon water tower, which is needed to meet EPA regulations for water storage in the north high water zone and for ensuring adequate water supply to the new Daisy Brand facility. Mr. Sanders said that he understands it will take several months to get all of the proper permits in place, so that time is of the essence. Mr. Silvestri stated that he also had a phone call from a resident and a brief conversation with city administration. Mr. Silvestri said that he was aware that the city needs to construct a new water tower in the next year or so, but that he was not convinced it would make a difference to wait until the next council meeting to vote on the legislation. Mr. Buytendyk noted that council members were aware of the FAA regulations prohibiting construction at the Schellin Road location and that a water tower was needed for the Daisy Brand facility. Council members had been informed on the process that brought the current legislation before council and that it was council member's duty to make decisions in the best interest of the entire city. Mr. Ulbright asked Mr. Montgomery about any communications he had with adjacent property owners. Mr. Montgomery replied that the city staff had been in contact with several other property owners and all of those refused to sell their land to the city. Mr. Montgomery also noted that the purchase of this property is contingent upon receiving confirmation that the subsurface of the land can hold the water tower and the city must also get approval of conditional use from the Planning Commission. Area residents will be notified of the meeting and will have the opportunity to come to the meeting to voice their concerns.

Mr. Sanders moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion failed by a vote of five in favor and one opposed. (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Silvestri-No; and Ulbright-yes).

2. First Reading – ORDINANCE NO. 2014-02 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH DAISY BRAND LLC, FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that this ordinance is to approve the enterprise zone agreement with Daisy Brand LLC. Mr. Ansel noted that three area schools, Wooster City, Green Local, and the Wayne County Schools Career Center will benefit from the additional tax revenue. During the course of the 10-year, 75% abatement, the property will generate \$292,549.75 in annual property taxes and \$1,154,650.00 per year after the abatement expires. The currently vacant land provides \$5,193.00 in property taxes. Mr. Ansel announced he would be moving to suspend the rules and to place this ordinance on third and final reading. Mr. Ulbright, Mr. Silvestri, and Mr. Sanders also voiced their support for this legislation.

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; Cavin-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

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

3. First Reading – RESOLUTION NO. 2014-01 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH THE WOOSTER SOCCER ASSOCIATION FOR SOCCER-RELATED ACTIVITIES SERVICES (Myers)

Mr. Myers stated the Wooster Soccer Association (WSA) program has been in place for more than 40 years and continues to grow. Mr. Myers noted that though the contract with the WSA is for \$60,000, the city will collect fees from the participants to recoup that cost. Mr. Myers also noted the additional revenue for the city in the form of restaurant customers and hotel stays. Mr. Battig added that the \$60,000 also includes the administrative fees.

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

4. First Reading – RESOLUTION NO. 2014-02 A RESOLUTION AUTHORIZING THE DIRECTOR OF LAW TO INSTITUTE LEGAL PROCEEDINGS ON BEHALF OF THE CITY OF WOOSTER TO PURSUE POTENTIAL CLAIMS FOR DAMAGES REGARDING UPGRADES THAT WERE PERFORMED AT THE WASTEWATER TREATMENT PLANT DURING 2007, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders explained that this resolution would allow the city to change the legal firm representing the city in legal proceedings involving the wastewater treatment plant. The attorney previously handling the case left the Ice Miller Firm and was not able to take the case to his new firm. The city interviewed several firms and determined to work with the firm of McMahan DeGulis LLP. That firm agreed to bill at the same rates as had Ice Miller.

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

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

5. First Reading – RESOLUTION NO. 2014-03 A RESOLUTION DECLARING IT NECESSARY TO IMPROVE AKRON ROAD 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 explained that the engineering division found some discrepancies between the county auditor's value and the value calculated from the right-of-way plans. Because Phase 1 of the Akron Road project used the right-of-way plans, the engineering division revised the values for consistency. Mr. Ulbright said that roughly 80% of the values remained the same, but that all residents will receive new notices with the estimated assessment amount.

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

6. First Reading – RESOLUTION NO. 2014-04 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACTS WITH VARIOUS VENDORS, AND DECLARING AN EMERGENCY. (Ansel)

Mr. Ansel stated that the city received an invoice for services rendered by Kastner Westman and Wilkins regarding union labor negotiations. Mr. Benson clarified that the invoice was received before the money was encumbered, and, therefore, requires council approval for payment.

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

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

### **VIII. EXECUTIVE SESSION**

Mr. Sanders moved, seconded by Mr. Ansel, to go into executive session to discuss pending litigation. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Ulbright, to reconvene from executive session. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

### **IX. MISCELLANEOUS**

### **X. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 10:12 p.m.

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Michael G. Buytendyk  
President of Council

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Amy M. Hamilton  
Clerk of Council