

CITY COUNCIL MINUTES
April 16, 2012

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 8:00 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, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Sanders, to approve the April 2, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

Mr. Steiner moved, seconded by Mr. Sanders, to approve the April 9, 2012 special meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) Due to the mild winter, the city was able to save approximately \$80,000 (\$50,000 road salt and \$30,000 road repair/maintenance).

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following members of the audience spoke: Mindy Cavin, 324 Palmer Street (for Zoning amendment/Resolution No. 2012-13) and Greg Gehris, 347 N. Grant Street (against Zoning amendment/Resolution No. 2012-13).

A recommendation was received from the Wooster City Planning Commission for the approval of an amendment to the City of Wooster zoning map following the annexation of 2457 Melrose Drive (Tim and Carol Hall) to an R-3 (Attached Single-Family/Townhouse) District. A public hearing was set for Monday, May 7, 2012 at 7:30 p.m., during the regularly scheduled Wooster City Council meeting in Council Chambers at City Hall.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The Laws and Ordinances Committee held a public hearing prior to the council meeting from 6:45-8:00 p.m. Topic of discussion was the proposed amendment to the City of Wooster's Zoning Code §1149.03(c)(4), to permit the continued use of legal non-conforming residential dwellings that are destroyed beyond 50% of their replacement value (Ordinance No. 2012-13). Ms. Knapic said all council members were present and sufficient information was provided. Members of the public addressed council regarding this issue.

VI. OLD BUSINESS (none)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-13 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY THE ADOPTION OF AN AMENDMENT TO SECTION 1149.03(c)(4) DEALING WITH NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND (Knapic)

Ms. Knapic said this proposed amendment to the zoning code resulted from a family who wished to sale property in the R-T zoning district, a non-conforming property, and there were some issues they ran into. A public hearing was held on the proposed amendment prior to the council meeting and Ms. Knapic said council should be aware of all the issues involved. The proposed amendment was filed by Ross Winkler and the Wooster City Planning Commission voted not to recommend approval to City Council. Mr. Ulbright asked if it would be appropriate to table the ordinance as another proposed amendment from Main Street Wooster will soon be going before the Planning Commission, which may address some of the issues. He felt that would allow time for the new amendment to be considered and council could then decide whether to take this ordinance off the table or let it die from lack of action. Law Director Dick Benson said Main Street's proposed amendment will be presented to the

Planning Commission on April 25, 2012 and it won't be until 30 days after that when the amendment will come before council. He explained that once the Planning Commission has had a chance to act on it, they must send their recommendation to council, and council must then set a public hearing within 30 days, which at the earliest will be sometime in June. Ms. Knapic said the ordinance had its first reading and council can decide at the next meeting whether to table it or proceed through the course of having three readings. The ordinance remained on first reading.

2. First Reading - RESOLUTION NO. 2012-45 AMENDING RESOLUTION NO. 2011-19 BY INCREASING THE AMOUNT OF THE CONTRACT (Ulbright)

Mr. Ulbright said approximately \$38,000 was allocated in 2011 for a contract to provide planting and maintenance of trees in the public right-of-way and other property owned by the City of Wooster. A portion of the money was not used in 2011 and did not get carried over into the 2012 budget. Mr. Ulbright said there is money in the Shade Tree budget for this purpose but it is necessary to allocate approximately \$20,000 in order to complete the work originally contracted in 2011.

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; Sanders-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; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2012-46 AUTHORIZING THE MAYOR TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012 (Steiner)

Mr. Steiner said this is a budgeted item, to replace a 1999 Horton ambulance with a 623 Horton ambulance, mounted on a 2013 International 4300 Chassis. The vehicle was able to be purchased under the State bid contract for \$216,140. Mr. Steiner said one other bid proposal was received, but it was \$10,000 higher and the Fire Division preferred the Horton unit as city garage has parts in stock for it. Asst. Fire Chief Breneman said it hasn't been determined yet if the old unit will be traded-in, sold or continued to be used as a back-up.

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

4. First Reading - RESOLUTION NO. 2012-47 AUTHORIZING THE MAYOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF OAK HILL ROAD AND QUINBY AVENUE (Ulbright)

Mr. Ulbright said council spoke about this project two weeks ago, with regard to an agreement with ODOT to provide 80% funding for resurfacing and repairing the pavement on Oak Hill Road between Wayne and Oldman, and Quinby between Bowman and Wayne. Estimated total cost of the project is \$336,000 of which the city will be responsible for 20% (\$90,000) and is requesting authorization to enter into a contract for this through the bidding process. Mr. Ulbright said when the construction and engineering portion of the project is complete, the city will receive about \$6,400 back from ODOT for the 80/20 split for that particular part of the project costs. This is a budgeted item and is on the 2012 City Paving List.

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

5. First Reading - RESOLUTION NO. 2012-48 AUTHORIZING THE MAYOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF COLUMBUS AVENUE (Ulbright)

Mr. Ulbright said this request is to authorize entering into a contract through the bidding process for resurfacing and repairing the pavement on Columbus Avenue between Liberty Street and the railroad tracks south of Vanover Street. The estimated total cost of the project is \$57,000 for which the city is responsible for 20% (\$12,400) and ODOT grant funds will cover the remaining 80%. Mr. Ulbright said the project is a budgeted item and is on the 2012 City Paving List.

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

6. First Reading - RESOLUTION NO. 2012-49 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Ansel)

Mr. Ansel said this is an accounting reconciliation as the city thought they could negotiate a first year free maintenance and repair contract with Aclara RF Systems, Inc., who provide service on a contractual basis for upgrading the software for our meter reading system. Mr. Ansel said the money was budgeted, but not encumbered in 2012. Aclara has agreed to provide the second year maintenance and repair contract at no cost in 2013, once everything is upgraded, but not in 2012 while updates are underway. The amount of the service contract is \$8,120, payable from the Water Fund. Finance Director Andrei Dordea answered council's questions and explained new functions of the enhanced meter reading equipment.

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

7. First Reading - RESOLUTION NO. 2012-50 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A PARKING LOT, STREETScape AND INFRASTRUCTURE IMPROVEMENTS IN THE IMMEDIATE VICINITY OF THE MERCHANT'S BLOCK DEVELOPMENT, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this is for continued work of the Merchant's Block Development and although it won't be the last piece of work the city will be involved with at this site, the project is winding down quickly. He said this scope of work will cover streetscape, parking, sidewalk and utilities in the Liberty and Walnut Street area. The improvements will provide parking and pedestrian access for the existing and proposed development in the area, including Chase Bank, Wayne County Courthouse, downtown retail and restaurants, and Merchant's Block.

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

Council members expressed the excitement of seeing the construction underway and feel a sense of pride in being part of the process. City Engineer Joel Montgomery said there are two parts to this legislation, to enter into a contract for construction and to appropriate \$56,000 of CDBG and RLF funds which were obtained after the 2011 budget was finalized. He gave an anticipated timeline of the project and said completion is expected sometime in September/October 2012.

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

VIII. MISCELLANEOUS

Mr. Silvestri said it was encouraging to see the number of individuals who turned out for the public hearing and express their opinions regarding amending Title Eleven of the Zoning Code. Mr. Silvestri feels a reasonable solution can be reached.

Mr. Cavin wanted to make known that he erred in his vote at the March 9, 2012 meeting, as he did not intend to support Resolution No. 2012-37. He feels those decisions need to be made by the city rather than a third party.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Silvestri to adjourn. Motion carried and meeting so adjourned at 8:50 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council