



WOOSTER CITY COUNCIL MINUTES
May 5, 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, Barbara Knapic, Scott Myers, Craig Sanders, David Silvestri, and Jon Ulbright.

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. Myers moved, seconded by Mr. Silvestri, to approve the April 21, 2014 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mr. Breneman reported that the National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEE) is holding a meeting at the OARDC from May 5th through the 7th. Mr. Breneman stated Certified Angus Beef is on the agenda for an Enterprise Zone agreement for an expansion project; Wootown Properties for a CRA agreement to improve a downtown facility; and Gionino's Pizzeria is in need of an easement for an ADA compliant ramp into their facility. Mr. Breneman also announced that Daisy Brands will be holding the groundbreaking for their new facility on Thursday, May 8, 2014.

Designation of Public Records Trainee: Mr. Benson requested that he be designated as the public records trainee. Mr. Buytendyk added that he would also like to designate the clerk of council, as well. Ms. Knapic moved, seconded by Mr. Silvestri, to designate Mr. Benson and Ms. Hamilton as public records designees. Upon voice vote, motion carried unanimously.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Ohio Division of Liquor Control Notices:

- 1) Notice was received from the Ohio Department of Liquor Control that Buehler Food Markets Inc, DBA Buehlers Milltown, 3540 Burbank Rd., applied for a Liquor Agency license. Mr. Cavin notified the council president that he would recuse himself from discussion and voting on this application. Mr. Ulbright moved, seconded by Mr. Ansel, not to request a hearing. Motion carried 6-0 with Mr. Cavin abstaining.
- 2) Notice was received from the Ohio Department of Liquor Control that Downtown KB, Inc., DBA Buffalo Wild Wings, 4122 Burbank Rd. & Patio, applied for a D5 liquor permit. Ms. Knapic moved, seconded by Mr. Ulbright, not to request a hearing. Motion carried unanimously.
- 3) Notice was received from the Ohio Department of Liquor Control that Khurram Shamsi, 310 S Market St., applied for a C2 liquor permit. Ms. Knapic moved, seconded by Mr. Sanders, not to request a hearing. Motion carried unanimously.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Myers held a Public Health and Leisure Committee meeting prior to the council meeting. Mr. Myers reported that the committee received a lot of public input and questions as well as a presentation and statistics from Justin Reed, the property maintenance inspector.

Mr. Ulbright announced that he would hold a Public Infrastructure Committee meeting on Monday, June 2, 2014 at 6:00 p.m. in council chambers to discuss the improvements and maintenance of City streets. Mr. Ulbright added that Roger Kobilarcsik, City Engineer, and Daryl Decker, Public Properties Maintenance Manager, will attend the meeting to provide information.

Mr. Ansel announced that he would conduct a Finance Committee meeting on Monday, May 19, 2014 at 6:30 p.m. in council chambers to hear a presentation from the Wayne Economic Development Council as well as a report on the state of the City's first quarter 2014 financials from Mr. Dordea.

Mr. Cavin reminded council members that he is holding a Safety Committee meeting on Wednesday, May 7, 2014 at 6:00 p.m. in council chambers.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-14 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CERTIFIED ANGUS BEEF, LLC, FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Ansel)

Mr. Buytendyk noted that Mr. Cavin recused himself from all discussion and from voting on this legislation. Mr. Ansel stated that Certified Angus Beef, LLC (CAB) has grown and needs space to expand its operations. Mr. Ansel stated that CAB intends to add 5,000 square feet of office space, 2,000 square feet of storage space, and to create 10 additional positions with an investment of up to \$1.1 million. CAB has requested a ten-year, 75% abatement of property taxes on improvements. This will increase their annual tax obligation from \$61,417 to \$68,687 over the course of the abatement, which is a net gain of \$7,270. At the conclusion of the ten-year abatement period, the annual property tax obligation will be \$90,497. Mr. Brent Eichar, Sr. Vice President of CAB, briefly addressed council to thank members for their consideration and to give an overview of the decision-making process.

Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried 6-0 with Mr. Cavin abstaining (Ansel-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried 6-0 with Mr. Cavin abstaining (Ansel-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

2. First Reading – ORDINANCE NO. 2014-15 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WOOTOWN PROPERTIES, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel thanked Wootown Properties for their efforts to improve the downtown business district. Mr. Ansel noted that Wootown Properties, LLC is seeking a ten-year, 50% abatement on \$150,000 in proposed improvements to 236 S. Market Street. This will increase their annual tax obligation from \$2,253 to \$4,236 over the course of the abatement, which is a net gain of \$1,983. At the conclusion of the ten-year abatement period, the annual property tax obligation will be \$6,219. Mr. Travis Snyder of Wootown Properties, LLC addressed council members to thank them for their consideration and offered to answer any questions. Mr. Benson noted that the last clause of the second "whereas" paragraph that states the school district has reviewed and approved this request is incorrect. The school board received a

statutory notice of the application, and did not take action because the request is below the level that requires approval. Mr. Ansel asked if the school board had questioned it, and Mr. Breneman replied that the City had not received any response from the school board.

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

Mr. Buytendyk clarified that the motion to adopt is with the deletion of the correction suggested by Mr. Benson.

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

3. First Reading – ORDINANCE NO. 2014-16 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated that in order to abide by rules for access to the business, there needs to be an encroachment into the public right-of-way. Mr. Ulbright added that the sidewalk in front of the business is roughly eight and one-half feet and the encroachment would be four feet. Per the City's Engineering Division, the remaining four and one-half feet is adequate for pedestrian traffic. Mr. Dan Kipfer, representing Gionino's Pizzeria, explained that he currently operates the Orrville location and is seeking to expand to Wooster. In order to be compliant with ADA regulations, Mr. Kipfer is seeking permission for the encroachment to add an accessible ramp to the front of the business.

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

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

4. First Reading – RESOLUTION NO. 2014-29 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH REA & ASSOCIATES, INC. FOR AUDITING SERVICES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that the Auditor of State's office has authorized the City to retain Rea & Associates, Inc. to perform the City's annual audit for 2014. Mr. Ansel noted that Rea & Associates has experience in governmental and healthcare audits, which is relevant to the City of Wooster and the Wooster Community Hospital. Mr. Ansel also stated that the cost increase from year-to-year for audit services has been lower than the consumer price index increases in the same periods. The contract price for the 2014 audit is \$85,860 and will be included in the 2015 budget. Discussion followed regarding the need to solicit bids in the future. Mr. Benson clarified that contracts for professional and technical services of this type are not subject to competitive bidding because it requires a particular expertise to perform the hospital audit. Mr. Benson concluded in stating that Mr. Dordea would do his due diligence in selecting a firm for the audit.

Mr. Ansel 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; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

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

5. First Reading – RESOLUTION NO. 2014-30 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 he was prepared to leave the legislation on first reading so members could review the TIRC meeting minutes and to ask questions. Mr. Ansel stated that the TIRC reviews and makes recommendations to city council whether or not an enterprise zone or community reinvestment act (CRA) agreement should be continued. Mr. Ansel also wanted to clarify the discussion surrounding an enterprise zone agreement with Condor Pacific/GMI/Gomaplast (GMI). Mr. Ansel said that since he introduced the legislation to approve the agreement at a council meeting, he wanted to note that the company has met the guidelines, retained the scheduled amount of jobs, and made a \$1.5 million plus improvement to expand their office and showroom space on Long Road. Mr. Ansel said the TIRC minutes focused on GMI retaining jobs at their Henry Street facility. Mr. Ansel stated that he had said that GMI would be retaining the Henry Street facility, which they have, but are now considering marketing it for sale. Mr. Ansel stated that all other agreements considered by the TIRC seemed to be acceptable and did not generate much dialogue. Mr. Cavin asked council members if anyone had any thoughts about separating the enterprise zone agreements from the CRA agreements to consider those separately. Mr. Cavin stated that since there are different criteria for the two types of agreements he would like to see them separated. Mr. Benson replied that council could do that if they so choose and to divide the recommendation into as many separate votes as council wished. Mr. Ansel invited council to review the contractual obligations of the GMI agreement, as he believes they will find that every obligation has been met. Mr. Ulbright wanted to clarify that Mr. Cavin wished to keep the enterprise zone agreements to be considered as a group separately from the CRA agreements, and did not intend to separate individual agreements for consideration. Mr. Cavin agreed that was his intent.

VIII. MISCELLANEOUS

Mr. Buytendyk reminded council members that they have received a memo regarding the 2014 application for CDBG/CHIP funds and the joint partnership agreement with Wayne County. He asked members to review the memo and to come prepared with questions at the next council meeting.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 8:43 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council