

CITY COUNCIL MINUTES

July 2, 2012

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 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. Silvestri, to approve the June 18, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman introduced Tom Speaks of The Impact Group who gave a presentation on the results of the completed community survey. Mr. Speaks addressed questions from council.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A petition was submitted to vacate a portion of an unnamed public alley running in a north/south direction, on either side of Sloane Court and in between N. Buckeye and N. Market Streets (lot numbers 1594, 1598, 504, 505, 506, 507, 516, 517, 518, and 519). The petitioners own all land abutting the street in the area of the proposed vacation. A public hearing was set for August 20, 2012 at 7:30 p.m. in Council Chambers at City Hall.

A letter was received from the Wooster City Planning Commission recommending to Council the approval of various amendments to the Wooster Planning and Zoning Code (Title One, General Provisions/Administration, Chapters 1105-1111 and Chapters 1115-1119; Title Three, Zoning District /Use Regulations, Chapters 1125-1143 and Chapters 1147-1149; Title Five, Regulations Applicable to All Districts, Chapters 1165, 1169, and 1171). A public hearing was set for August 20, 2012 at 7:30 p.m. in Council Chambers at City Hall.

The following members of the audience spoke: Doug Drushal, 225 N. Market St. (Ordinance No. 2012-21) and Mindy Cavin, 324 Palmer St. (Ordinance Nos. 2012-64 & 2012-65).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The Public Infrastructure Committee met at 6:45 p.m., prior to the council meeting, to discuss two proposed alley vacations, Ordinance No. 2012-18 and 2012-19. Mr. Ulbright reported that several members of the public spoke at the meeting and additional ideas were discussed. Mr. Ulbright indicated a new alley vacation petition was submitted which extends the former vacation of the north-south unnamed alley further north to the next east-west alley. He asked that notice of the August 20, 2012 public hearing be sent to residents in the same east/south/west perimeters as the previous alley vacation notice and in addition, extending north to Bowman Street.

PUBLIC HEARING: Ms. Knapic opened up the public hearing set for 7:30 p.m. to discuss the proposed amendment to Wooster Planning and Zoning Code §1149.03(c)(4), Non-Conforming Uses of Buildings, Structures, or Land. The following individuals spoke: Ross Winkler, 292 Branstetter Street; Mindy Cavin, 324 Palmer Street; Doug Drushal, 225 N. Market Street; Ray Leisy, 450 N. Bever Street; Sandra Hull, Main Street Wooster; Greg Gehris, 347 N. Grant Street and Lucas Gaffey, 438 N. Buckeye Street. Val Jesionek, City Planner, indicated it was discovered that wording was left out of Exhibit A, the proposed amendment. She distributed two alternative amendments and gave a thorough explanation, detailing the language differentiating the two:

Alternative #1 provides for much less restrictive criteria that must be met for rebuilding or reconstructing a damaged or destroyed nonconforming use than what currently exists in the Zoning Code. There are several criteria to be considered, such as architectural compatibility with the neighborhood, the screening of materials used in the landscaping of a parking lot, etc. These and other criteria must be met for the BZA to approve a reconstruction or restoration.

Alternative #2 primarily references what currently exists in the Code... the unnecessary hardship criteria ...these must be met for the BZA to allow a damaged/destroyed nonconforming use to be rebuilt. These criteria are much more difficult to be met by an applicant. In this alternative, there are no architectural compatibility restrictions, etc. as are outlined in Alternative #1.

After further discussion Ms. Knapic closed the public hearing.

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2012-18 VACATING SLOANE COURT IN THE CITY OF WOOSTER (Ulbright)

Mr. Ulbright said due to the submission of a new petition to vacate the unnamed north-south alley (vicinity of Sloane Court), he felt it would be appropriate to table Ordinance No. 2012-18.

Mr. Ulbright moved, seconded by Mr. Steiner, to table Ordinance No. 2012-18. The motion carried unanimously by voice vote.

2. Third Reading - ORDINANCE NO. 2012-19 VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT) (Ulbright)

Mr. Ulbright said the petitioners submitted a new alley vacation petition, extending the vacation of the unnamed alley northward to the first thru east-west alley, from Market Street to Buckeye Street. The petitioners therefore requested that their original petition to vacate the unnamed alley be withdrawn.

Mr. Ulbright moved, seconded by Mr. Steiner, to withdraw Ordinance No. 2012-19. The motion carried unanimously by voice vote.

3. Third Reading - RESOLUTION NO. 2012-60 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2013 (Ansel)

Mr. Ansel said this is the third reading of this resolution and a public hearing was held on June 18, 2012 at 7:30 p.m. to discuss the 2013 Annual Tax Budget. He felt council had ample time to review and discuss the details of the projected amounts for 2013.

Mr. Ansel moved, seconded by Mr. Sanders, 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).

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-21 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 there have been several public hearings and a committee meeting on this issue. At the public hearing held earlier in the meeting council was presented with two alternatives to the issue. Ms. Knapic felt this all needed to be sorted through and should go back before the Laws and Ordinance committee for review. Mr. Benson indicated the deadline date for council to act on this proposal was July 24th, which is 60 days from the receipt of the recommendation from the Planning Commission. Council's next regularly scheduled meeting is August 20th, therefore Mr. Benson said it may be necessary for council to hold a special meeting. Ms. Knapic proposed to leave the ordinance on first reading and set a Laws and Ordinance committee meeting for Monday, July 9, 2012 at 6:30 p.m. in Council Chambers at City Hall to review the new proposals. Ms. Knapic said if council can agree on modifications there will be a special meeting, but if modifications can't be agreed upon there will not be a special meeting. The ordinance remained on first reading.

2. First Reading - RESOLUTION NO. 2012-64 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES PROVIDED TO THE MUNICIPALITY PURSUANT TO A CONTRACT WITH BUREAU VERITAS NORTH AMERICA, INC. (Ansel)

Mr. Ansel said Bureau Veritas is the consultant providing professional engineering services related to the assessment and litigation of the ongoing nuisance odor complaint on the southwest side of town. The city is requesting authorization for an additional \$20,000.00 to provide for future funding for these services.

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

Mr. Ansel moved, seconded by Mr. Sanders, 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. 2012-65 AUTHORIZING THE DIRECTOR OF LAW TO ISSUE PAYMENT FOR THE SERVICES OF OUTSIDE COUNSEL IN LITIGATION TO ENFORCE THE GENERAL OFFENSES CODE RELATIVE TO NUISANCE ODORS, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic said this request is to appropriate \$20,000.00 from the unappropriated balance in the General Fund to pay outside counsel to assist the law director in the Enviro Clean litigation. Ms. Knapic said this is important to our citizens, especially with the heat of this summer and the smell that has permeated throughout the community.

Ms. Knapic moved, seconded by Mr. Cavin, 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).

Ms. Knapic 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).

4. First Reading - RESOLUTION NO. 2012-66 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO TO DEVELOP AND IMPLEMENT AN EDUCATION AND COMMUNICATION PROGRAM WITH INFORMATION DERIVED FROM THE COMMUNITY SURVEY, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel indicated he would be leaving the resolution on first reading in order to give council time to further deliberate and understand the proposal from The Impact Group. Earlier in the meeting Tom Speaks of The Impact Group gave an overview of Phase I – Public Survey and Phase II – Focus Group Feedback. An additional proposal was received for the next component, which Mr. Ansel did not believe council was initially aware of. Phase III - Public Awareness Message Format, would be the city’s strategy to improve public awareness and understanding of the current financial state of affairs for the City of Wooster. There are a number of deliverables included in Phase III for a cost not to exceed the amount of \$50,000.00, something Mr. Ansel said council needs to give serious thought and consideration, in terms of the value to be derived from this expenditure. A Finance Committee meeting was set for August 20, 2012 at 6:30 p.m. in Council Chambers at City Hall, to further discuss the Phase III proposal from The Impact Group. Mr. Speaks answered council’s questions regarding the survey, explaining the process of Phase III and what it would entail. The resolution remained on first reading.

5. First Reading - RESOLUTION NO. 2012-67 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES PROVIDED TO THE MUNICIPALITY PURSUANT TO AN ENGAGEMENT WITH ICE MILLER, LLP (Ansel)

Mr. Ansel said Ice Miller, formerly Schottenstein, Zox & Dunn, has been representing the City of Wooster's appeal of the NPDES permit issues with the Ohio Environmental Protection Agency. This request is for additional funding to pay Ice Miller for services rendered in the amount of \$5,805.21. Law Director Dick Benson indicated this is not the last bill the city will receive from Ice Miller as this is an ongoing process at the Water Pollution Control Plant.

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

VIII. MISCELLANEOUS

Council members wished everyone a safe and happy 4th of July!

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Ms. Knapic to adjourn. Motion carried and meeting so adjourned at 10:00 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council