

## CITY COUNCIL MINUTES

July 5, 2011

### I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. at the Wooster Community Center by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

### II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Mr. Ansel, to approve minutes of the June 20, 2011 meeting. Upon voice vote, motion carried unanimously.

### III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Thanked Wooster Exchange Club and Wooster Exchange Foundation for putting on a great 4<sup>th</sup> of July fireworks display and festivities. Also thanked city crews who worked the holiday and helped the event run smoothly. 2) On June 29, 2011 officials from Wooster attended fDi Magazine's American Cities of the Future awards ceremony in Washington, D.C., who ranked the City of Wooster as one of the Top Ten Micro Cities for Business Friendliness and Cost Effectiveness. 3) The Mayor weighed in on the proposal to close Gasche Street, explaining why he and his administration team believe it is in the best interest of the city to support Resolution No. #2011-17 by closing Gasche Street between University and Wayne Avenue.

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The clerk read three notices from the Ohio Department of Liquor Control:

Bell Stores Inc., DBA Beall Stores 131, 1530 Beall Avenue applied for a new C1 and C2 liquor permit. Mr. Ulbright questioned the proximity of the nearest church and said he objects to gas stations selling alcoholic beverages. Ms. Knapic moved, seconded by Mr. Ansel, not to request a hearing. Motion carried 6-1 with Mr. Ulbright opposing.

Buehlers Food Markets Inc., DBA Buehlers Milltown, 3540 Burbank Road, applied for a stock transfer on their liquor permit, classes C2, D1, D6 and D8. As a Buehlers Food employee, Mr. Cavin recused himself. Ms. Knapic moved, seconded by Mr. Steiner, not to request a hearing. Motion carried 6-0.

Buehlers Food Market Inc., 336 N. Market St. & Patio, applied for a stock transfer on their liquor permit, classes D1, D2 and D6. As a Buehlers Food employee, Mr. Cavin recused himself. Ms. Knapic moved, seconded by Mr. Ansel, not to request a hearing. Motion carried 6-0.

Mr. Silvestri asked individuals who wished to speak on the Gasche Street issue, to hold their comments until the legislation was read and discussed.

### V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ulbright confirmed the date of the joint finance committee and infrastructure committee meeting, for Tuesday, August 30, 2011 at 5:30 p.m., in council chambers of City Hall, to discuss revenue generation for street repair.

PUBLIC HEARING: Zoning amendment for 238 East Larwill Street from an R-T (Traditional Residential) District to a C-1 (Office-Institutional) District.

Mr. Buytendyk opened the public hearing, stating a petition was filed to change the zoning at 238 E. Larwill Street from a Traditional Residential District to a C-1 Office-Institutional District. He said the property is contiguous to McIntire Davis and Greene Funeral Home, who plan to renovate the residence at 238 E. Larwill Street into office space. The Planning Commission unanimously voted to recommend the rezoning of the parcel to a C-1 District. Peggy Schmitz addressed council on behalf of Cliff Green Enterprises, the petitioner. She explained the petitioner

owns four lots at the corner of N. Buckeye St. and E. Larwill and recently acquired the deteriorating property next to them at 238 E. Larwill and are requesting it be rezoned to match the zoning of their adjacent property. No one else spoke regarding the zoning change and Mr. Buytendyk closed the public hearing. He asked that the clerk note the public hearing was held and Ordinance No. 2011-19 would receive its second of three readings required for a zoning change.

**PUBLIC HEARING:** Petition for the vacation of a 10 foot public alley running to the west from Lucca Street, north of Rebecca Street, between lot numbers O.L. 91, 6866, 1547 and 1548.

Mr. Ulbright opened up the public hearing on the petition to vacate the alley running west from Lucca Street, north of Rebecca Street. The petitioners own all property abutting the area of the proposed alley vacation. Mr. Ulbright said notice of the public hearing was sent out to residents on Lucca Street and on the north side Rebecca Street from Lucca Street west. He opened up the public hearing for those who wished to speak in favor of or against the proposed alley vacation. There was no public comment. Mr. Ulbright concluded the public hearing.

## **VI. OLD BUSINESS**

1. Third Reading - **ORDINANCE NO. 2011-17 VACATING A PORTION OF GASCHE STREET, BETWEEN WAYNE AVENUE AND UNIVERSITY STREET (Ulbright)**

Ms. Knapic moved, seconded by Mr. Buytendyk, to remove Ordinance No. 2011-17 off the table. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

A Petition to Vacate a Public Street was received from the College of Wooster and Norma Booth, requesting the closure of Gasche Street between University Street and Wayne Avenue. The petitioners own all land abutting the street in the area of the proposed vacation. Mr. Ulbright said the ordinance received lively discussions at the May 16, 2011 council meeting and the June 6, 2011 infrastructure committee and council meetings. He said many citizens attended the meetings to express their opinions, neighborhood meetings were held and public input was received by way of letters, emails and phone calls. Mr. Ulbright recalled this as being one of the most controversial issues he has seen while being on council. Grant Cornwell, President of the College of Wooster, Laurie Stickelmaier and Jackie Middleton spoke on behalf of the college, explaining their proposal to close Gasche Street between Wayne Avenue and University Street. The college wishes to close that section of Gasche Street and turn the area into green space, creating a continuous campus, for possible future use as additional athletic fields, recreation space, relocation of the tennis courts and additional parking to accommodate the new Scot Center. Public comment was received from approximately 51 members of the audience with the majority speaking against closing Gasche Street. They asked that Gasche Street be kept open, expressing that it is one of the only north south arteries in the city and is, without a doubt, utilized by residents on a daily basis and for emergency purposes. A lengthy discussion followed. Mr. Silvestri, Ms. Knapic, Mr. Ansel, Mr., Buytendyk and Mr. Ulbright voiced their reasons for not supporting the vacation of Gasche Street between Wayne Avenue and University Street.

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Upon roll call, motion to adopt failed 1-6 (Ansel-no; Buytendyk-no; Cavin-no; Knapic-no; Silvestri-no; Steiner-yes and Ulbright-no).

A 5 minute recess was taken.

2. Third Reading - **RESOLUTION NO. 2011-55 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2012 (Ansel)**

Mr. Ansel indicated this would be the third reading for the tax budget and that it was discussed in detail at previous meetings. He felt council had ample time to review it. There was no further discussion.

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

3. Second Reading - ORDINANCE NO. 2011-18 VACATING AN ALLEY IN THE CITY OF WOOSTER (WEST OF LUCCA STREET) (Ulbright)

Mr. Ulbright said the alley being petitioned for vacation is unused and overgrown. Notice of the public hearing, held earlier in the meeting, was mailed to residents on Lucca Street and on the north side Rebecca Street from Lucca Street west, but no one came to speak for or against the alley vacation. Mr. Ulbright was concern there would possibly be some expansion of the trailer court by the alley. Mr. Monea, Building Division Manager, explained a trailer park is a non-conforming use and would not be allowed to expand. He also noted a new garage was improperly constructed by the alley and the city is requesting the owner remedy the properly line issue by moving the garage or obtaining a variance. However, Mr. Monea stressed that neither of these issues were relevant to the alley vacation and said the alley is merely overgrown and unused.

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

4. Second Reading - ORDINANCE NO. 2011-19 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A C-1 (OFFICE-INSTITUTIONAL) DISTRICT FOR PROPERTY LOCATED AT 238 EAST LARWILL STREET (Buytendyk)

At the public hearing held earlier in the meeting, Mr. Buytendyk explained a zoning change is required by law to have three readings and this would be the second reading for this ordinance. McIntire Davis & Greene Funeral Home is requesting the zoning change for the purpose of expanding their business on the adjacent property which they recently purchased. There was no further comment and the ordinance remained on second reading.

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2011- 20 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel explained this is a housekeeping matter to appropriate \$180,000 from unappropriated balances to both the Police Pension Fund and the Fire Pension Fund. Andrei Dordea, Finance Director, explained the purchase orders for these expenditures were inadvertently liquidated at the end of 2010, which should have been kept open and automatically added to the 2011 appropriations budget. The money now needs to be re-encumbered for the pension funds.

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

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

2. First Reading - RESOLUTION NO. 2011-62 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this is the city's annual request for the Community Development Block Grant Fund which is submitted to the Ohio Department of Development. The funds are allocated for projects that benefit low-to-moderate income citizens and/or community oriented businesses or areas. The amount of the 2011 CDBG grant is \$102,000 and the city earmarked the funds for these proposed projects: Viola Startzman Free Clinic (\$15,000), Merchants Block Public Infrastructure Improvements (\$83,500) and OHCP Fair Housing Program (federal requirement) (\$3,500). Mr. Ansel said this grant has been a very important tool for our economic development and re-development of the downtown, but there are concerns that future funding may diminish significantly. Mr. Ulbright and Mr. Cavin both expressed they would like to see more CDBG money spent in residential areas for sidewalks and street repair rather than commercial areas. Mayor Breneman explained the city is encouraging growth and viability of the downtown and hope to branch funds out into neighborhood improvement once the downtown is sustainable. He further explained the infrastructure improvements for the Merchants Block project would only be used for public areas such as parking lots and sidewalks.

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

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

3. First Reading - ORDINANCE NO. 2011-21 AMENDING VARIOUS SECTIONS OF CHAPTER 923, SEWERAGE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Buytendyk)

Mr. Buytendyk briefly explained the proposed amendments to Chapter 923 involve a personnel wording change, adding a sewerage fund reserve account, firmer regulations on emission of noxious or offensive odors into the sewer system and also defining septage receiving from outside sources. Mr. Buytendyk said these changes have been crafted to comply with State of Ohio requirements and the Administrative Code. Jim Borton, Utilities Manager, answered questions and expanded on the changes, indicating the rates were put into another section which council will address at a later date. He also pointed out a slight wording change that was needed in the attachments and suggested leaving the ordinance on first reading. The ordinance remained on first reading.

4. First Reading - RESOLUTION NO. 2011-63 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE BULLET PROOF VESTS FOR THE POLICE DIVISION (Steiner)

Mr. Steiner explained that the police division's bullet proof vests have a five year life span and will expire in February 2012. A 2011 Department of Justice grant opportunity has been applied for as the 2012 grant application will not be available until April and the vests will need to be replaced before then. Mr. Steiner said there are funds to cover the purchase in the operating budget, but if the grant is received it will replace fifty percent of the cost. Chief Fisher said the total cost for 37 vests is \$24,975 at \$675 each which will cover the entire department, including the auxiliary police officers.

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

5. First Reading - RESOLUTION NO. 2011-64 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH RVI, INC. OF WOOSTER, OHIO FOR THE CLEANING OF THE STRIPPING TOWERS IN THE SOUTH WELL FIELD, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri said this is a routine contract for the periodic cleaning of the VOC Stripping Towers and replacement of the media. The media removal and tower cleaning are essential to maintain VOC removal efficiencies which is an Ohio EPA requirement. Mr. Silvestri further explained the process.

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

6. First Reading - RESOLUTION NO. 2011-65 DECLARING IT NECESSARY TO IMPROVE 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 this is a resolution of necessity to improve Melrose Drive from Portage Road to Milltown Road and begin the process of determining assessments to affected property owners. Council previously passed three related pieces of legislation authorizing right-of-way acquisition, surveying and legal descriptions and funding applications from the state. The estimated total cost of the project is \$2,600,000 and is fully funded. Ohio Public Works Commission is providing \$400,000 in grant funding for construction costs. ODOT Safe Routes to School program is providing \$85,000 in grant funding for sidewalks and crosswalks. The construction cost estimate is \$2,470,000. The remaining project costs are construction phase engineering, legal fees and previously expended costs for right-of-way acquisitions. Mr. Ulbright explained assessments for property owners will be shared between those living on Melrose and those living on adjacent streets that use Melrose as their primary exit or entrance. He said this will be a tremendous improvement for the neighborhood, but most importantly, it will make it safer for children walking to Melrose School. Joel Montgomery, City Engineer, broke down the assessment details and said the maximum amount to be assessed will be \$536,000 or 21% of the project.

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

7. First Reading - RESOLUTION NO. 2011-66 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING A PORTION OF BURBANK ROAD, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri said there are two issues with this resolution for the Burbank Road waterline project, to authorize the appropriation of funds and to authorize advertisement and award of a contract. The estimated cost of the project is \$783,000, with \$500,000 being funded by a zero interest loan from the Ohio Public Works Commission. This project was originally included in the 2011 Capital Infrastructure Budget, proposed in late 2010, and has been on the city's Ten Year Strategic Infrastructure Plan for many years, but was inadvertently dropped from the final appropriations budget passed by Ordinance No. 2010-37. Mr. Montgomery explained the Burbank Road waterline project will run between Cleveland Road north to Reed Road and south to the intersection of Cleveland and Burbank, as well as portions serving Reed and Kurtz.

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

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

### **VIII. MISCELLANEOUS**

Ms. Knapic thanked those who attended the meeting and spoke both in favor and against the Gasche Street closing. She reiterated her support for the College of Wooster, who she said are a wonderful citizen for our city and she looks forward to working with them and surrounding residents to make that area in Ward 1 the best that it can possibly be.

Mr. Cavin also thanked the residents who turned out to voice their opinions to council and the administration.

Mr. Silvestri said he appreciated everyone who came to the meeting to express their opinions and hopes the dialog between the College of Wooster and residents will continue. Mr. Silvestri said it was suggested that the agenda be re-ordered by switching III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION and IV. PETITIONS/COMMUNICATIONS FROM PUBLIC. He believes it would be helpful to have public comment prior to the Mayor's communications, so the Mayor and/or administration can respond to comments or questions raised. He asked council to consider this re-ordering of business and if there were no objections, he would like to officially make the change at the next meeting.

Mr. Ansel thanked council for their hard work and objectivity on a very sensitive issue. He also thanked the citizens for their trust and for communicating their concerns with council.

Mr. Buytendyk reminded everyone the next regularly scheduled council meeting is August 15<sup>th</sup>, unless an emergency council meeting is called. Mr. Buytendyk expressed concerns about the proposal to change the order of the agenda because the meetings are Wooster City Council meetings not the Wooster City debating society. Finally, he said that after tonight's meeting, he hoped the citizens realize that council members are independent thinkers, not beholden to anyone, and council takes the laws and ordinances very seriously.

Mr. Ulbright said he liked Ms. Knapic's idea of a Community Neighborhood/College of Wooster Committee and he hoped it does take place. He was happy to see a lively council meeting and believes this is what its all about, a small democracy at work. Overall he thought the four meetings held to discuss the Gasche Street issue went well and gave everyone a chance to voice their opinions and know they count. He applauded everyone for coming to the meetings and added that both the college and the city administration made their points clear and he thought council was also very clear in why they voted the way they did.

### **IX. ADJOURNMENT**

Mr. Ulbright moved, seconded by Ms. Knapic, to adjourn. Motion carried and meeting so adjourned at 11:27 p.m.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council