

CITY COUNCIL MINUTES
August 18, 2008

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. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Ed Schuch, David Silvestri, Keith Topovski and Jon Ulbright. Jeff Steiner was not present.

II. APPROVAL OF MINUTES

Mr. Silvestri had a correction to the July 7, 2008 minutes at Section VII New Business, Informal Resolution, in the 4th line, to be changed from "account holders who they believe" to "companies that they believe". Mr. Ansel moved, seconded by Mr. Schuch, to approve the minutes of the July 7, 2008 meeting with the noted correction.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city regarding the closing of Freedlanders Store and future plans for that site; recommendations for appointments to Tax Incentive Review Council (Mark Norton and Rosie Griffin); Municipal Building sidewalk brick sales, BioOhio and an update on the Beall Avenue Streetscape III project.

Mr. Sigg gave an explanation of Ord. 2008-23, authorizing the City of Wooster to accept a gift of land from the United States Government, the former Ward Memorial U.S. Army Reserve Center on Portage Road. The project began on July 23, 2001 and the goal from the beginning was to obtain the property for transfer to the Wooster City School Board. They were interested in the property which is adjacent to Melrose Elementary School and were told it would be easier to transfer the property to the city rather than directly to a school district. Mr. Sigg thanked Congressman Regula and his staff for their tremendous assistance in getting this done.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Three notices of liquor permit applications were received from the Ohio Division of Liquor Control:

New D2 liquor permit for Chef Thomas, Inc., DBA Thomas Deli & Market, 128 S. Market Street, 1st Floor & Basement. Mr. Ansel made a motion, seconded by Mr. Topovski, not to request a hearing and all were in favor.

New D1 liquor permit for El Rancho Grande, Inc., DBA El Rancho Grande, 117 W. Liberty Street, 1st Floor, Excluding NE/SE Corridors. Mr. Ulbright made a motion, seconded by Mr. Buytendyk, not to request a hearing and all were in favor.

Transfer of a D5 liquor permit TO: Mara Vee LLC, DBA ZEN, 350 E. Liberty FROM: Mara Vee LLC, DBA Infinity, 1865-71 Beall Ave Lower Level. There was much discussion concerning the past operations and problems at the Infinity establishment. Chief Glick answered questions regarding prior incidents at the business and Mr. Benson explained the procedure for requesting a hearing. Mr. Ansel indicated he would like a better understanding regarding the scope and the change of the business as represented before approving the liquor transfer. Mr. Ansel made a motion, seconded by Mr. Ulbright, to request a hearing in our county seat and all were in favor.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Public Hearing: Wooster City Planning Commission recommending the rezoning of a .3271 acre lot (WPT 1882) from an R-2 (Single Family) District to a CF (Community Facilities) District for property located at 807 College Avenue. Mr. Buytendyk explained this was a change of zoning for property owned by the College of Wooster as the property is no longer needed for housing of students and would be converted into offices, which under the existing zoning code does not comply. Mr. Drushal, representative for the College of Wooster, explained their plans. There was no further public input and Mr. Buytendyk closed the public hearing.

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2008-23 AUTHORIZING THE CITY OF WOOSTER TO ACCEPT A GIFT OF LAND FROM THE UNITED STATES GOVERNMENT (Topovski)

Mr. Topovski thanked Mr. Sigg for giving an outline of this ordinance at the beginning of the meeting. He stated this project has been in the works since June 2001 and Congressman Regula ordered the transfer, which is now complete and the city needs to accept it. Typically when the city gets any type of building/property it automatically goes to the Wooster Growth who finds a buyer for it, but that is not the case with this. Mr. Sigg explained the Wooster City School Board is interested in obtaining the property and plans have always been to transfer the property to them. Mr. Sigg was unsure of what the school plans are for the property.

Mr. Topovski 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; Schuch-yes; Silvestri-yes; Topovski-yes and Ulbright-yes).

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

2. First Reading - ORDINANCE NO. 2008-24 AMENDING CHAPTER 159, LINKED DEPOSIT PROGRAM, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY INCREASING THE MEMBERSHIP THEREOF (Buytendyk)

Mr. Buytendyk explained the proposed recommend changes to the current linked deposit program , extending the renewal of linked deposits for an addition term of two (2) years and also eliminating the wording “Is organized for profit”, which Mr. Buytendyk noted would not increase or decrease the risk to the city. Mr. Sigg answered several of council’s questions regarding the changes.

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

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

3. First Reading - ORDINANCE NO. 2008-25 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A CF (COMMUNITY FACILITIES) DISTRICT FOR PROPERTY LOCATED AT 807 COLLEGE AVENUE (Buytendyk)

Mr. Buytendyk stated a public hearing was held earlier in the meeting on the re-zoning. He agreed with a statement Mr. Drushal had made that most people in a residential neighborhood would much rather live next to a college office rather than a college residential facility. He noted the re-zoning request had received approval from the zoning board and a variance had been granted for the usage. There was no public comment at the public hearing.

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

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

4. First Reading - RESOLUTION NO. 2008-72 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated there was an administrative oversight and this resolution would resolve an issue where our local fiscal policy mandates that any expenditure in excess of \$3,000 must be accompanied by a fiscal officer's certification of availability of funds and corresponding purchase order before an expenditure is made. The Ohio Association of Chiefs of Police was contracted with to conduct assessment testing for the police captain vacancy and their invoice was received prior to a purchase order being entered. According to the finance director funds are available and this was a budgeted item. Legislative approval is needed to correct the administrative oversight and proceed with the processing of the payment of this open invoice. Mr. Topovski questioned the amount of the purchase order as opposed to the amount of the invoice which Mr. Dordea addressed.

Mr. Ansel 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; Schuch-yes; Silvestri-yes; Topovski-yes and Ulbright-yes).

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

5. First Reading - RESOLUTION NO. 2008-73 AMENDING RESOLUTION NO. 2008-54 BY INCREASING THE AMOUNT OF THE CONTRACT, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated earlier in the year Resolution No. 2008-54 authorized an expenditure for the repair of a blower at the Water Pollution Control Plant. However, the costs came in \$850 over the anticipated \$24,000 at \$24,850. The additional \$850 was for freight charges to and from the repair location. Resolution No. 2008-54 therefore needed to be amended to appropriate the additional amount to cover the invoice.

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

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

6. First Reading - RESOLUTION NO. 2008-74 DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALKS AND CURB RAMPS ON NORMANDY DRIVE, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated that an Infrastructure Committee meeting was held on July 7, 2008 at 6:30 p.m. and at that meeting there was a public hearing and the committee proposed to construct sidewalks, roughly between Country Club Lane and Mindy Lane, along Normandy Drive. He indicated there had been a number of residences who attended that meeting and two spoke against the proposal. All property owners and residences were sent a packet of information regarding the sidewalk construction. Mr. Ulbright noted that one of the rationales for placing sidewalks in this area is the fact that there are a lot of children which live in the apartments along Normandy Drive. There is parking on both sides of the streets which could be a dangerous situation for children running into the streets between the parked cars. Mr. Schuch felt this project should not be delayed so property owners and the city could secure contractors to do the necessary work within the construction season which is rapidly disappearing. There was no public comment.

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

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

VIII. MISCELLANEOUS

Mr. Ulbright stated he had received a suggestion from Mr. Benson that a special meeting be held to hear more information on the transfer of the D5 liquor permit, discussed earlier in the meeting, before requesting a hearing with the liquor board. Mr. Benson further explained the procedure for objections under the ORC. After much discussion, Mr. Ulbright moved, seconded by Mr. Buytendyk, to reconsider the request for a hearing. Mr. Silvestri expressed his disagreement. Mr. Topovski moved, seconded by Mr. Silvestri to call the question and upon voice vote, the motion carried. Mr. Silvestri asked for a roll call vote on the motion to reconsider and it carried 5-1 (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-no; Topovski-yes and Ulbright-yes). Mr. Ulbright made a motion, seconded by Mr. Buytendyk, not to request a hearing on the transfer of the D5 liquor permit to Mara Vee LLC, DBA ZEN, 350 E. Liberty, from Mara Vee LLC, DBA Infinity, 1865-71 Beall Ave Lower Level. Upon voice vote, motion carried 5-1 with Mr. Silvestri standing opposed.

Mr. Ulbright spoke regarding the closing of the Freedlanders Store and future plans for the site, the municipal building brick program and the Beall Ave. project.

Mr. Ansel and Mr. Schuch expressed their satisfaction with the Quinby Ave. sidewalk repair and guardrail.

Mr. Ulbright moved, seconded by Mr. Topovski, to accept Mark Norton and Rosie Griffin as members of the Tax Incentive Review Council as recommended by the Mayor. Upon voice vote, motion carried unanimously.

IX. ADJOURNMENT

Mr. Buytendyk moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 8:55 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council