

WOOSTER CITY COUNCIL MINUTES
February 20, 2018

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. Lynne DePaulo, Council Clerk, called roll with the following members present; Jon Ansel, Mark Cavin, Scott Myers, Craig Sanders, Dave Silvestri, Jennifer Warden and Bill Bostancic. City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Chief Matt Fisher, Director of Law Linda Applebaum, PPM Manager Curt Denning, City Engineer Roger Kobilarcsik, Planning and Zoning Manager Andrew Dutton, and BSD Manager Tim Monea.

II. APPROVAL OF MINUTES

Councilman Silvestri moved to approve the minutes of the February 5, 2018, meeting, seconded by Councilman Ansel. By voice vote, the motion passed unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman had given his State of the City presentation earlier and had nothing to add.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Councilman Ansel motioned to waive the Ohio Liquor Control Hearing for NAV Petroleum LLC, seconded by Councilwoman Warden. Upon roll call, motion to waive hearing carried 7-0 (Ansel-yes; Cavin-yes; Bostancic-yes; Myers-yes; Sanders-yes; Warden-yes; and Silvestri – yes)

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Councilman Sanders explained the request for the rezoning of 50 Riffel Road. It is currently zoned C-1, Planning Commission has approved it for C-3. He opened the floor to discussion and questions from the public and council. There were no questions; the public hearing was closed.

VI. OLD BUSINESS –

1. Second Reading – ORDINANCE NO. 2018-003
AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. (Sanders)

Councilman Sanders explained the need to approve the legislation and that it is an annual housekeeping matter. It is an acceptance of changes to the codified ordinances for traffic code and other changes that happened in 2017.

Councilman Sanders moved to suspend the rules and place on third and final reading, seconded by Councilman Bostancic. Upon roll call, motion carried 7-0 (Ansel-yes; Bostancic – yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; and Silvestri - yes). Councilman Sanders moved, seconded by Councilman Silvestri, to adopt. Upon roll call, motion to adopt carried 6-1 (Ansel-yes; Cavin-yes; Myers-no; Sanders-yes; Warden-yes; Bostancic-yes; Silvestri - yes).

2. Second Reading – ORDINANCE NO. 2018-005
AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1701 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER OHIO, “INCOME TAX,” TO CORRESPOND WITH CHAPTER 718 OF THE OHIO REVISED CODE: ENACTING NEW SECTION 1701.21; AND DECLARING AN EMERGENCY (Sanders)

Councilman Sanders stated that this Ordinance is necessary to amend the City’s Tax Code to match the State of Ohio’s changes. It is necessary to pass this legislation before the state’s deadline of February 24th.

Councilman Sanders moved to suspend the rules and place on third and final reading, seconded by Councilman Ansel. Upon roll call, motion carried 7-0 (Ansel-yes; Bostancic – yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; and Silvestri - yes). Councilman Sanders moved, seconded by Councilman Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; Bostancic-yes; Silvestri - yes).

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2018-006
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A C-3 (COMMUNITY COMMERCIAL) DISTRICT FOR PROPERTY LOCATED AT 50 RIFFEL ROAD (Sanders)

Councilman Sanders introduced the legislation and stated that the public hearing had been completed. The Planning Commission has already approved the request to rezone the property at 50 Riffel Road to C-3. Councilman Sanders has received several phone calls regarding this zoning amendment.

Councilman Bostancic expressed his concern regarding the loss of approximately 80 parking spots. Andrew Dutton explained that what council was looking at right now was the zoning change. Variances would be needed for set backs, parking, and other items which would go to the planning commission.

Councilman Myers was concerned about the usage for C-3 zoning. Andrew Dutton stated that whatever kind of business is covered in the C-3 table is eligible to move into that area. President Buytendyk reminded Myers that spot zoning is not permitted and would open the city to multiple lawsuits.

Councilman Silvestri was shocked that there was no discussion during the public hearing. He has some concerns changing from C-1 to C-3, but doesn't feel that the C-3 is an issue. He sees C-3 areas butted up to R-1 all over town and it has not been a problem. From his experience, the current parking at Greenbriar is not sufficient and feels that the current usage would change over time. If residents have a concern, please contact him.

Councilman Sanders asked for the legislation to stay on first reading.

2. First Reading – RESOLUTION NO. 2018-013
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FINAL RESOLUTION WITH THE OHIO DEPARTMENT OF TRANSPORTATION AS PART OF THEIR URBAN PAVING PROGRAM FOR THE RESURFACING OF SR 83 (BURBANK ROAD) AND DECLARING AN EMERGENCY (Bostancic)

Councilman Bostancic introduced the resolution and reviewed the urban paving costs. Roger Kobilarcsik stated that it is on ODOT's schedule already, they are ready to go. It is a budgeted item.

Councilman Bostancic moved, seconded by Councilman Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; Bostancic-yes; Silvestri - yes).

3. First Reading – RESOLUTION NO. 2018-014
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE SAFE ROUTES TO SCHOOL PROGRAM; TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE

ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Bostancic)

Councilman Bostancic stated this is a request for the City to apply for funding from ODOT for sidewalks in the Melrose School area. Council members Warden and Silvestri both spoke in favor of the application.

Councilman Cavin asked if there would be an assessment. Kobilarcsik stated that the assessment would be based on the 10% of the project that the grant would not cover. The same procedure was used in the Beechwood/Northwestern area for sidewalks to Parkview Elementary.

Councilman Bostancic moved to suspend the rules and place on third and final reading, seconded by Councilwoman Cavin. Upon roll call, motion carried 7-0 (Ansel-yes; Bostancic – yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; and Silvestri - yes). Councilman Bostancic moved, seconded by Councilman Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; Bostancic-yes; Silvestri - yes).

4. First Reading – RESOLUTION NO. 2018-015
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR FURNISHING BITUMINOUS MATERIAL AND CONCRETE (Bostancic)

Councilman Bostancic stated this is a budgeted item and will allow the PPM Division to purchase concrete and asphalt for street repairs.

There was discussion about the current pothole problems. Councilman Silvestri was concerned PPM had not requested enough money to do all the work needed. Curt Denning assured him the pothole crew had been out and that he believed the funding was adequate.

Councilman Bostancic moved, seconded by Councilwoman Warden, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; Bostancic-yes; Silvestri - yes).

5. First Reading – RESOLUTION NO. 2018-016
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A TWO-YEAR CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING TREE SERVICE; AND DECLARING AN EMERGENCY (Warden)

Councilwoman Warden reviewed the legislation and stated this is a budgeted item.

Councilwoman Warden moved, seconded by Councilman Cavin, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Myers-yes; Sanders-yes; Warden-yes; Bostancic-yes; Silvestri - yes).

6. First Reading – RESOLUTION NO. 2018-017
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH OHM ADVISORS FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DOWNTOWN STREETScape PHASE II, AND DECLARING AN EMERGENCY (Bostancic)

Councilman Bostancic introduced the legislation and stated this is design work for Phase II of the Downtown Streetscape. It is a budgeted item.

Councilman Sanders questioned what the contract was actually for. Joel Montgomery explained that it is a redesign for Phase II of streetscape. It is part of the city's comprehensive plan.

Councilman Silvestri was shocked at the cost, why can't it be done in-house? Montgomery stated that Kobilarcsik has determined that this project would be better suited to hire it out since it's not water lines, sewer lines, and roadway which is what the Engineering Division does.

Councilman Myers wanted it to go out to bid. Montgomery explained that engineering services are not able to be bid, but that there is a qualification process that is used to determine which firms are eligible to provide design services. Based on those rankings, the city is allowed to go through the list and choose a firm. The City is happy with the work OHM has done.

Councilwoman Warden asked if the business owners would be assessed. Montgomery replied the original streetscape done in the 90's was assessed. Once the design has been completed and costs have been estimated the city will evaluate how much would be assessed, but they are not at that point yet.

Councilman Bostancic moved, seconded by Councilwoman Warden, to adopt. Upon roll call, motion to adopt carried 4-3 (Ansel-yes; Cavin-yes; Myers-no; Sanders-no; Warden-yes; Bostancic-yes; Silvestri - no).

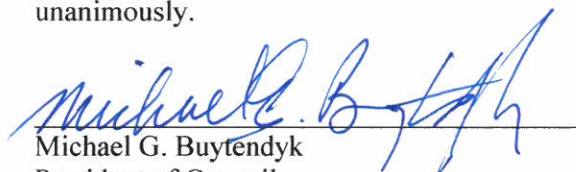
VII. MISCELLANEOUS

Various council members expressed their appreciation and thanked the Mayor for his presentation and were impressed by how much had been accomplished in 2017.

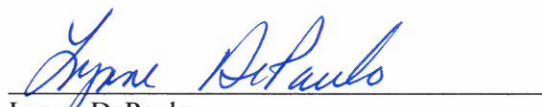
Councilman Sanders reminded everyone of the Law & Ordinance meeting being held on Monday, March 5th at 6:30 p.m. to review the zoning code changes.

IX. ADJOURNMENT

Councilman Ansel moved to adjourn, seconded by Councilman Myers. By voice vote, the motion passed unanimously.



Michael G. Buytendyk
President of Council



Lynne DePaulo
Clerk of Council