

## **CITY COUNCIL MINUTES**

**January 5, 2009**

**7:30 p.m.**

### **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, Jeff Steiner, Keith Topovski and Jon Ulbright.

### **II. APPROVAL OF MINUTES**

Mr. Topovski moved, seconded by Mr. Steiner, to approve minutes of the December 15, 2008 regular meeting.

Mr. Steiner moved, seconded by Mr. Ansel, to approve minutes of the December 29, 2008 special meeting.

### **III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city. Mr. Dordea stated the 2009 appropriation budget is now on the city's website and also announced the Finance Department received their 28<sup>th</sup> consecutive Certificate of Achievement for Excellence in Financial Reporting award.

### **IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

A notice was received from the Ohio Division of Liquor Control for the transfer of a D1 & D2 liquor permit to Beacon Light Foods LLC, DBA Bob's Meats & BBQ, 128 S. Market St. from Chef Thomas Incorporated, DBA Thomas Deli & Market, 128 S. Market St. Mr. Buytendyk recused himself. Mr. Ulbright moved, seconded by Mr. Schuch, not to request a hearing. Upon roll call vote, motion carried unanimously.

The following member of the audience spoke: Kevin Breeden, 620 Arlington Drive, Wooster (sidewalks).

### **V. COMMITTEE REPORTS; PUBLIC HEARINGS**

As requested by the Finance Committee, Mr. Ansel pointed out a summary of interdepartmental transfers and year-end advances was prepared by the finance department and distributed to council members for their review.

### **VI. OLD BUSINESS**

1. Second Reading - ORDINANCE NO. 2008-37 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED AT THE NORTHEAST CORNER OF SR 83 AND SMITHVILLE WESTERN ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (John Keating, Esq., Agent for Petitioners) (Buytendyk)

Mr. Topovski recused himself. Mr. Buytendyk indicated the ordinance was on second reading and he didn't believe much discussion was necessary. There was no discussion.

Mr. Buytendyk moved, seconded by Mr. Steiner, to table Ordinance No. 2008-37 until a later date to be determined. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Schuch-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

### **VII. NEW BUSINESS**

1. First Reading - RESOLUTION NO. 2009-1 AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT ON BEHALF OF THE CITY OF WOOSTER FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF DRINKING WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN (Silvestri)

Mr. Silvestri stated this was a matter of bookkeeping as EPA noticed the city's previous mayor's name was listed on the application and needed to be replaced with the current mayor's name. Mr. Silvestri explained that authorization

is obtained each year to apply for and accept loans from EPA for funding of water system projects. Projects currently on the list for funding are the Cleveland/Portage waterline replacement and the Secondary Transmission Main Project.

Mr. Silvestri moved, seconded by Mr. Steiner, 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; Steiner-yes; Topovski-yes and Ulbright-yes).

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

2. First Reading - RESOLUTION NO. 2009-2 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2009, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the maintenance division is requesting to replace a 1996 truck, which has 83,000 miles and is in need of extensive repairs, with a 2009 ¾ ton pickup truck for approximately \$25,000. This is a budgeted item and competitive bids will be issued or the vehicle will be purchased through the state sponsored cooperative purchasing program, whichever offers the best price.

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

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

3. First Reading - RESOLUTION NO. 2009-3 REQUESTING THAT THE PLANNING COMMISSION, PURSUANT TO WOOSTER CODIFIED ORDINANCE SECTION 1119.04, REVIEW AND CONSIDER PROPOSED TEXT AMENDMENTS TO THE PLANNING AND ZONING CODE TO CREATE AN AGRICULTURAL ZONING DISTRICT FOR THE ZONING OF AGRICULTURAL LAND THAT MAY BE ANNEXED INTO THE CITY WITHOUT ANY SPECIFIC DEVELOPMENT PLANS OR INTENTIONS (Buytendyk)

Mr. Buytendyk explained there is no longer an agricultural designation in the city's zoning code and this resolution is requesting the Planning Commission consider creating an agricultural zoning (AG) district. Mr. Buytendyk was unsure why the designation was ever removed from the zoning code, but feels it is needed. Mr. Ulbright questioned why the AG designation was removed and feels zoning AG is a more neutral designation than R-1 which is automatically given to un-zoned annexed land. Mr. Sigg indicated the only reason he could find that the AG zone wasn't included when the city's code was updated was because there was no agriculture land in the city that needed that designation. Sigg said the AG designation will put people on notice that the land is only on hold for development as there isn't necessarily a plan in place for the land. Mr. Sigg explained this resolution deals purely with zoning and if the Planning Commission approves the amendment, it will come back to council for final approval in the form of an ordinance. Other council members expressed their support.

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; Steiner-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; Steiner-yes; Topovski-yes and Ulbright-yes).

### **VIII. MISCELLANEOUS**

Mr. Schuch said he attended the Bicentennial Legacy Monument Dedication at Schellin Park on December 29<sup>th</sup> and was very impressed. Mr. Schuch expressed concern over the poor lighting in the park and urged the city to illuminate the area as soon as possible to deter vandals. Mr. Breneman stated the Bicentennial Committee has looked into lighting options but would need the necessary funding to move forward. Mr. Topovski felt the type of lighting should be taken into consideration also as it could be vandalized too.

In the event Mr. Silvestri would not be able to attend a council meeting, he appointed Mr. Ansel as his substitute to preside over city council meetings throughout the calendar year of 2009. There were no objections.

### **IX. ADJOURNMENT**

Mr. Steiner moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 8:05 p.m.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council