

**CITY COUNCIL MINUTES**  
**July 6, 2009**

**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, Bob Henery, Ed Schuch, David Silvestri and Jon Ulbright. Jeff Steiner was absent.

Mr. Silvestri noted changes to the agenda and subsequent re-numbering of the legislation. Due to a request for the withdraw of the re-zoning application for property located between Vinton Woods Drive and Woodcrest Drive (Tartan Ridge), Mr. Ansel moved, seconded by Mr. Ulbright, to permit the withdraw of the re-zoning application from the agenda. Upon voice vote, motion carried unanimously. Mr. Benson gave a brief explanation on the re-zoning withdraw and indicated the developer's attorney confirmed late last week that they elected to forego the re-zoning at this time.

**II. APPROVAL OF MINUTES**

Mr. Buytendyk moved, seconded by Mr. Schuch, to approve minutes of the June 15, 2009 meeting. Upon voice vote, motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city: All America City competition run-down; street paving and demolition plans for Freedlander building.

Mr. Schuch asked if there was a solution for the problem of providing water for amish horses hitched near the former Wayne County Discipline & Rehabilitation Center (pay-to-stay) on South Street where the water had been turned off upon its closure. Mr. Sigg indicated the city and county are working on a solution and Mr. Schuch will contact administration to discuss the issue further.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The following members of the audience spoke: Carl Weaver, 1761 Woodcrest (Zoning)

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

1. Public Hearing - RE-ZONING OF 57.245 ACRES FROM AN R-1 (SUBURBAN SINGLE FAMILY) DISTRICT TO AN AG (AGRICULTURAL) DISTRICT FOR PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF BURBANK AND SMITHVILLE WESTERN ROADS

Mr. Buytendyk opened the public hearing. He explained the McCoy farm was recently annexed into the City of Wooster and automatically zoned R-1 (Suburban Single Family) District. The property owners requested the zoning be changed to Agricultural (AG), a zoning that was not available at the time of the annexation as the AG designation was dropped when the city's zoning code was updated. The Planning Commission felt the AG designation should be in the code and it has been subsequently adopted. Mr. Sigg elaborated on the purpose of the AG designation which holds land from development of more intensive land uses until such time as adequate public facilities and services can be provided. He noted the R-1 district, which the McCoy farm is currently zoned, prohibits agricultural use. Two citizens spoke regarding the re-zoning: Ellen Wright, 4735 Deer Creek and Carl Weaver, 1761 Woodcrest. There was no further public comment and the hearing was closed.

**VI. OLD BUSINESS**

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2009-16 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO AN AG (AGRICULTURAL) DISTRICT FOR PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF BURBANK AND SMITHVILLE WESTERN ROADS (Buytendyk)

Mr. Buytendyk indicated this was the first reading of the ordinance amending the zoning for the McCoy farm which was discussed during the public hearing. The property owners requested changing the zoning from R-1 (Suburban Single Family) District to AG (Agricultural) District and the Planning Commission approved the request. Mr. Buytendyk clarified this designation does not give credence or promise any type of future development. In this situation its simply reflective of the use of the property and most likely if the AG District had been it place when the property was annexed it would have been zoned AG. Mr. Ulbright explained his support of the re-zoning and believes the R-1 designation would create a burden on police and fire services. Mr. Henery was concerned the rezoning would expedite possible commercial development of the property. Mayor Breneman stated there was one developer interested in the property but when the economy dropped, so did their interest, but even so, the zoning would have to be changed again before any development could take place. Mr. Ansel stated that without annexation the city would have no control over any development and although there are issues and concerns, the city has to control the boundaries in the most effective way. Mr. Buytendyk feels by making an AG district it does not give a false sense of security as opposed to R-1. The AG designation more reflects the idea that the property might not remain agricultural forever. It would be a disservice to those buying surrounding property thinking the zoning would remain zoned for R-1 use. Mr. Silvestri underscored R-1 would not permit the McCoys to continue farming the land and in order to accommodate their wishes its clear the AG designation has to be established.

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; Henery-yes; Schuch-yes; Silvestri-yes and Ulbright-yes).

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

2. First Reading - ORDINANCE NO. 2009-17 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated this a very unique allocation of funding to purchase 100 acres of undeveloped land west of Oak Hill Road for development into a park. A \$500,000 grant was awarded to the City of Wooster from the Ohio Public Works Commission for the purpose of purchasing land from the Noble Foundation for the Oak Hill Park. The Noble Foundation in turn will donate the \$500,000 to the Wayne County Community Foundation, who will return the funds to the city for developing the land as a public park. The city will invest \$100,000 and receive the property and funds for the ongoing development and improvement of the park. Chuck Malta, Parks Manager, commented that July 15 is the proposed closing date on the purchase of the land after which design plans will be confirmed and construction can begin.

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; Henery-yes; Schuch-yes; Silvestri-yes and Ulbright-yes).

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

3. First Reading - ORDINANCE NO. 2009-18 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Buytendyk)

Mr. Buytendyk stated the finance director discovered a typographical error in the municipal income tax code and determined it was necessary to amend Section 1701.03(a)(2) to conform to Ohio law. The amendment will not change the law in any way, it will only correct the error. Mr. Silvestri underscored that the actual amendment is to change the wording from (F)(8) to (H)(8)

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; Henery-yes; Schuch-yes; Silvestri-yes and Ulbright-yes).

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

4. First Reading - ORDINANCE NO. 2009-19 AUTHORIZING THE MAYOR TO EXECUTE A NON-DEVELOPMENT LEASE AGREEMENT WITH R.D. WILES, INC. OF WOOSTER, OHIO, PROVIDING FOR CITY-OWNED PROPERTY (ROAD RIGHT-OF-WAY) TO BE INCLUDED IN A UNIT FOR PURPOSES OF DRILLING A GAS WELL (Schuch)

Mr. Ansel recused himself from discussion. Mr. Schuch indicated this request is similar to one approved by council on June 19, 2009, Ordinance No. 2009-14, for a non-development lease agreement with R.D. Wiles for the purpose of drilling a gas well in the area of West Old Lincoln Way and Old Mansfield Road. There is no cost to the city but rather possible royalty payments based on the production of the well. By approving the lease for the right-of-way it gives R.D. Wiles the required 40 acres necessary to drill a second well in the same general area as the first well. Mr. Schuch requested the ordinance to be placed on third and final reading, but there were not enough voting members to do so. Mr. Silvestri questioned if the language needed to be changed from a gas well to an oil and gas well. Mr. Benson did not feel an amendment was necessary. The ordinance remained on first reading.

5. First Reading - RESOLUTION NO. 2009-57 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, AND, UPON APPROVAL, TO ACCEPT A BLOCK GRANT THERE FROM, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained the purpose of the application is to apply for the State of Ohio's Small Cities Community Development Block Grant funds for FY 2009. The projected formula allocation for the City of Wooster is \$98,000 which the city has earmarked for three different projects: 1. Freedlander Demolition Project (\$79,800); 2. assistance to the Viola Startzman Free Clinic (\$14,720); 3. OHCP Fair Housing Program (federal requirement) - \$3,500. Mr. Sigg explained how the funds were apportioned.

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

### VIII. MISCELLANEOUS

Council members expressed their appreciation to all the individuals who represented the City of Wooster at the All America City competition and the time and efforts they put into the presentation.

**IX. ADJOURNMENT**

Mr. Buytendyk moved, seconded by Mr. Ulbright, to adjourn. Motion carried and meeting so adjourned at 8:30 p.m.

Mr. Silvestri asked if discounted pool passes were going to be offered to the public again this year and the Mr. Breneman indicated he would check with the recreation division.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council