

CITY COUNCIL MINUTES
SPECIAL MEETING
July 9, 2007
5:30 p.m.

I. ROLL CALL & ORDERING OF AGENDA

President Pro Tem Bob Breneman called the special meeting of Wooster City Council to order at 5:30 p.m. in council chambers. The following members were present: Jon Ansel, Bob Breneman, Mindy Cavin, Jeff Griffin, David Silvestri, Keith Topovski and Jon Ulbright.

II. COMMUNICATIONS FROM PUBLIC

Mr. Breneman explained that although this was a special council meeting with a set agenda he was going to allow members of the audience to speak to issues on the agenda.

The following people spoke to city council: Erwin Riedner, 904 Forest Drive (conservation easement for Killbuck Watershed Land Trust for Wooster Memorial Park) and Doug Drushal, 225 N. Market St.; Louis Paumier, 3369 Oak Hill Rd.; and Inez Shirer, 3363 Oak Hill Rd. (Milltown Rd. re-zoning).

III. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2007-37 AUTHORIZING ANNEXATION OF MUNICIPALLY-OWNED PROPERTY CONTIGUOUS TO THE EXISTING CORPORATION LIMITS, PURSUANT TO OHIO REVISED CODE SECTION 709.14, AND AUTHORIZING THE DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT IT, AND DECLARING AN EMERGENCY. (Ulbright)

Mr. Ulbright referred to a map in explaining the proposed property to be annexed and noted that a piece of property directly behind Acres of Fun, which is owned by Bob Johns, is not included in this annexation. The only property being annexed at this time is property owned by the city, Wooster Community Hospital, therefore the expedited annexation process can be used. Mr. Griffin asked if the city or hospital planned to build on this property or if there were plans for street improvement on Friendsville Road. Mr. Benson indicated that part of the reason for the request for annexation is to improve Friendsville Road. Mr. Topovski stated that Friendsville Road is a high priority on the 10 year infrastructure plan but got bumped this year due to ODOT funding for Akron Road. Mr. Ulbright moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

2. Second Reading - ORDINANCE NO. 2007-38 AUTHORIZING THE MAYOR TO EXECUTE A CONSERVATION EASEMENT AGREEMENT WITH THE KILLBUCK WATERSHED LAND TRUST FOR THE PROTECTION AND PRESERVATION OF WOOSTER MEMORIAL PARK. (Ulbright)

Mr. Ulbright stated there was a thorough discussion at the July 2nd meeting and an excellent map provided. Two parcels of property, consisting of 70+ acres, could be added to Wooster Memorial Park by bringing them under the supervision of the Killbuck Watershed Land Trust for the protection of the entire park. Mr. Breneman had concerns at the last meeting regarding the wording, so Mr. Ulbright asked Daryl Decker of the Parks Division to address those issues. Mr. Decker explained that regarding the perpetuity clause, the Spangler portion of the park was donated to be used as a park only and if at any time that ever changes from that status it reverts back to the Spangler family. He also indicated that the issue of the land trust was discussed extensively by the Friends of

Wooster Memorial, who are making this recommendation, and they chose the Killbuck Watershed Land Trust as they are a local trust with local interests. From Mr. Decker's understanding, the oil rights remain with the Spangler family on the Spangler properties through this generation. When this generation passes they become part of the park property. The Becker property, the portion of the park purchased by the city, those rights remain with the city. The mineral rights would go under the conservation easement and be protected as a public park. Ron Holtman, representing the Killbuck Watershed Land Trust, also addressed the issue of the oil and gas leases on the two parcels. The land trust owns the rights subject to existing leases and the goal would be that whatever money accrues would go back into the park. Mr. Ulbright asked Mr. Decker to explain transfer of trust. Mr. Decker stated that if for whatever reason the Killbuck Watershed Land Trust would not be in existence, a new land trust would be chosen and in the agreement it is written that the city would be part of that process. Mr. Silvestri, Mr. Ansel and Mr. Ulbright indicated they had all received positive feedback for this proposal. Mr. Breneman thanked Mr. Holtman for explanations to his concerns and feels this is a good thing. Mr. Ulbright moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ulbright moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

IV. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2007-41 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A C-3 (COMMUNITY SHOPPING CENTER) DISTRICT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF MILLTOWN ROAD, BETWEEN COMMERCE PARKWAY AND OAK HILL ROAD. (Ansel)

Mr. Topovski recused himself from this matter. Mr. Ansel indicated this ordinance would be held on first reading and there would be a public hearing in August, which would give plenty of opportunity for neighborhood and public input. Mr. Ulbright stated he has several concerns about this proposal and feels changing this property from a C1 to a C3 would be a mistake, creating traffic congestion and safety congestion, drastically changing Milltown and Oak Hill. He questioned if big box stores could fit into the space and how many more of these stores the community needs. He feels this land could function as a C-1 and suggested the Wooster City School district be contacted to see how they feel about the zoning change. Mr. Breneman asked Val Jesionek, Planning Manager, to enlighten council as to how the planning commission had a unanimous recommendation. Ms. Jesionek stated that when the planning commission re-zoned the land to C-1, it was in conflict with the comprehensive plan, but at that time they felt conditions had changed sufficiently to go from rural/suburban residential (R-1) to a commercial category and felt that was a good step in buffering the high density commercial (C-5) area. The planning commission feels there is sufficient marketability for additional big box stores and were concerned whether or not to change the comprehensive plan and allow for additional retail growth in the northend. The planning commission wanted to make a statement that they don't want to open up additional land for retail development and want to use what is available for development in the area and this was their reasoning on recommending the re-zoning. Ms. Jesionek also indicated that the area is a sufficient size for at least one to two box stores, but not necessarily for the smaller stores that come alongside those stores. Doug Drushal shared a diagram showing two big box stores, plus out lots with plenty of room. He pointed out whether it be big box or small box, it is market driven and out of our control. This land is in the city limits, zoned commercial and a far superior site than some of the others being considered. Mr. Ansel asked if this was the last commercial property within the city for this type of big box expansion before we would be forced to look at potential annexation outside the city. Mr. Sigg indicated it was the last large commercial parcel in the 83 corridor area. A special council meeting will be held on Friday, August 10, 2007 at 5:30 p.m. for a public hearing and second reading of this matter. Mr. Breneman asked Mr. Drushal if there wouldn't be access onto Oak Hill Road from the potential development and Mr. Drushal confirmed that was correct.

2. First Reading - ORDINANCE NO. 2007-42 AMENDING THE ANNUAL APPROPRIATION
ORDINANCE. (Breneman)

Mr. Breneman stated the Justice Center, where the city's police division is located, needs to update the information technology system. The city has an agreement to be responsible for 29% of the total cost of the Justice Center operations, which sum would be \$30,000 for this computer re-wiring project and is budgeted for in the 2007 police division operating budget. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Breneman moved, seconded by Mr. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously.

V. ADJOURNMENT

Mr. Ansel moved, seconded by Mr. Griffin, to adjourn. Motion carried and meeting so adjourned at 6:15 p.m.

Robert F. Breneman
President Pro Tem of Council

Cheryl K. Collins
Acting Clerk of Council