

CITY COUNCIL MINUTES
June 1, 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 Jeff Steiner. Jon Ulbright was absent.

On Mr. Ulbright's behalf, Mr. Silvestri reminded everyone of the Public Infrastructure Committee meeting scheduled for Monday, June 15, 2009 at 6:00 p.m. to discuss parking on unimproved streets.

II. APPROVAL OF MINUTES

Mr. Buytendyk moved, seconded by Mr. Steiner, to approve minutes of the May 18, 2009 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: Waterline break; construction projects throughout the city and he distributed a synopsis of street paving costs over a 10 year period, requested by Mr. Ulbright.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The Clerk read two notices from the Ohio Division of Liquor Control for liquor permit requests:

Application of a new D5I and D6 liquor permit for Toscana Italian Grill Inc., DBA Toscana Italian Grill, Inc., 3860 Cleveland Road. Mr. Ansel moved, seconded by Mr. Steiner, not to request a hearing. Upon voice vote, motion carried unanimously.

Transfer of a D1, D2, D3 liquor permit to Wooster Foods Inc., DBA CIAO Bella, 150 W. Liberty Street from Wilson Property Management Inc., 131 N. Market Street 1st floor & basement & patio. Due to public interest, Mr. Silvestri asked that this request be held for discussion until the June 15, 2009, 7:30 p.m. council meeting. There were no objections.

The Clerk read two letters of recommendation from the Wooster City Planning Commission:

Recommending approval of the rezoning of 57.245 acres from an R-1 (Suburban Single Family) District to an AG (Agricultural) District for property located on the east side of Burbank Road, between Smithville-Western Road and Schellin Road. Public hearing, July 6, 2009 at 7:30 p.m.

Recommend disapproval of the zoning of 31.773 acres from an R-1 (Suburban Single Family) District to a PDOD (Planned Development Overlay District) and to also deny the request for preliminary approval of the proposed development of 45 lots with private streets and gated entrances for property located between Vinton Woods Drive and Woodcrest Drive (Tartan Ridge). Public hearing July 6, 2009 at 7:30 p.m.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

None

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2009-14 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 he had not received any public comment regarding this request for a lease agreement. City-owned property is located between two parcels owned by R.D. Wiles Inc. The lease would allow R. D. Wiles to combine their two properties in order to give them the necessary acreage required to drill a gas well. The city will retain the right to terminate the agreement should it become necessary. Mr. Schuch requested the ordinance be placed on third and final reading but there were not enough council members to do so. Ordinance remained on second reading.

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2009-15 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

Mr. Ansel stated this is an administrative issue whereas the Human Resources Division purchased a new copier for approximately \$12,000 which exceeded the \$5000 capital expenditure value. Inter-departmental transfers need to be made from the General Fund (human resources operating) to the General Fund (interfund transfer cost center), and from that fund to the Capital Improvements Fund, for the purpose of purchasing the copier

Mr. Ansel 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 Steiner-yes).

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

2. First Reading - RESOLUTION NO. 2009-54 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2010 (Ansel)

Mr. Ansel indicated this resolution would be kept on first reading as the financial projection was just received from the finance division. The 2010 forecasted projection is based on the first quarter performance which was discussed at the last finance committee meeting. Mr. Ansel asked council members to look over the budget and noted there will be a public hearing to review the 2010 tax budget at the next council meeting on June 15, 2009 at 7:30 p.m.. Resolution remained on first reading.

3. First Reading - RESOLUTION NO. 2009-55 AUTHORIZING THE DIRECTOR OF LAW TO RETAIN OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO A MATTER INVOLVING ENVIRONMENTAL ISSUES, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri stated this issue deals with hiring outside counsel experienced in environmental law to assist in negotiating an agreement for the proposed construction of a bio tower. Mr. Schuch asked administration to bring council up-to-date on EPA issues and questioned what it is they are not satisfied with. Mr. Borton and Mr. Benson explained there are actually two separate issues, the on-going enforcement issue with respect to the operation of the plant and the other deals with negotiations on the operation of the bio tower. Once the bio tower is built the plant will be in compliance with EPA regulations and they should be satisfied. The legislation is to negotiate a contract for how the bio tower will be utilized by local industry and what their share of the costs will be.

Mr. Silvestri 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 Steiner-yes).

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

4. First Reading - RESOLUTION NO. 2009-56 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF TWO BRIDGES THAT ARE A PART OF STATE ROUTE 302 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Buytendyk stated the State of Ohio is going to be improving St. Rt. 302 and part of the project lies within the City of Wooster. Therefore the state requires an agreement with the city stating we will allow them to make the necessary improvements and will cooperate with the project. There will be no cost to the city for the bridge improvements. Location of the two bridges was unclear and Mayor Breneman referred those questions to the city engineer.

Mr. Buytendyk 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; Henery-yes; Schuch-yes; Silvestri-yes and Steiner-yes).

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

VIII. MISCELLANEOUS

Mr. Schuch complimented the Finance Director and his staff for their hard work in compiling the statistics for the 2010 annual tax budget.

On May 22nd the Wooster Police Department conducted a SWAT team and canine unit demonstration. Mr. Buytendyk gave kudos to the police division for a very impressive exhibition and expressed how fortunate the city is to have such a professional and dedicated police force. He also complimented the police division on the Law Enforcement Memorial service they hosted on May 28th at the Justice Center to honor fallen officers.

Mr. Ansel reiterated Mr. Buytendyk's comments on a tremendous display of the SWAT team and canine unit abilities and complimented the city on having such a highly trained police force.

Mr. Silvestri echoed accolades to the police division and thanked Chief Glick for setting up the public demonstration.

IX. ADJOURNMENT

Mr. Ansel moved, seconded by Mr. Buytendyk, to adjourn. Motion carried and meeting so adjourned at 8:10 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council