

CITY COUNCIL MIUNUTES

June 18, 2012

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 by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knapic, to approve the June 4, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman, updated council on various activities in the city: 1) Reviewed progress of current construction projects underway throughout the city. 2) City parks and pools have been very active this summer. There have been some growing pains with USA Pools who are managing the pools for the first time, but a meeting has been scheduled to work out the glitches. 3) City crews will be performing leak detection throughout town to locate any waterline leaks.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Notice was received from the Ohio Department of Liquor Control indicating KMB Management Services Corporation, DBA St. Paul Hotel, 203 S. Market Street, applied for a new D5L liquor permit. Mr. Cavin moved, seconded by Ms. Knapic, not to request a hearing. Motion carried unanimously.

A letter was received from The Ohio State University advising they plan to proceed with a \$7.6 million capital improvement project at the OARDC/ATI campuses. According to the Ohio Revised Code, City Council has 60 days to forward comments or objections regarding the project. There were no comments or objections expressed.

The following members of the audience spoke: Matthew A. Long, 225 N. Market, on behalf of Rocky Ridge Realty (issues with Sloan Court alley vacation); Anne Wolfe, Homer Yost Agency, 421 N. Market Street (against Sloan Court alley vacation); Dennis Vitaro, 2846 Woodsedge (Tax Budget/Commercial Activity Tax).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

The Public Utilities Committee held a meeting on Monday, June 11, 2012 at 6:00 p.m. in Council Chambers at City Hall to review the findings and conclusions of the URS evaluation report of the Water Pollution Control Plant. Mr. Sanders reported it was a very thorough meeting with good discussion. He said there will be another committee meeting in August to discuss the balance of the URS report in great detail. Mr. Buytendyk added that the city is waiting for comments from EPA which will help gauge what needs to be done next, based on EPA and URS recommendations.

The Laws and Ordinance Committee met prior to the City Council meeting at 6:00 p.m. Ms. Knapic said the committee reviewed the proposal to amend the zoning code amendment and heard comments from City Planner Val Jesionek and members of the public. Ms. Knapic said there will be continued discussion at a public hearing scheduled for Monday, July 2, 2012, at 7:30 p.m.

Mr. Ansel opened a public hearing to review the 2013 Tax Budget. Mr. Ansel said this action is mandated by law and once approved by city council, the tax budget will be forward to the Wayne County Auditor. On June 4, 2012 the Finance Committee held a worksession to discuss the tax budget and Resolution No. 2012-60 had its first reading. In response to an inquiry regarding the impact of the Commercial Activity Tax to the city, Finance Director Andrei Dordea indicated we do not receive any money derived from that tax. Mr. Ulbright clarified that the tax budget is based on the current 1% income tax rate. After discussion, Mr. Ansel concluded the public hearing.

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2012-18 VACATING SLOANE COURT IN THE CITY OF WOOSTER (Ulbright)

Mr. Ulbright explained Sloane Court is a 380' long and 20' wide alley, running in an east/west direction from N. Market Street to N. Buckeye Street. If vacated, Mr. Ulbright assumed the designated area would be turned into private driveways for the petitioners abutting Sloane Court. The issue he has with the request is the condition of these alleys which are open and used by the general public, rather than overgrown with grass and trees like other alleys previously presented to city council for vacation. Mr. Ulbright questioned if this would be in the general good of the community, particularly the surrounding neighborhood. At his request, notice of the alley vacation requests was sent to approximately 61 neighboring property owners and residents who would be most affected by the closure. Mr. Ulbright thinks it would be naive to think there wouldn't be problems or a period of transition that might be rather difficult for people that use the alley. To differentiate, Mr. Ansel said previous alleys approved by city council for vacation have been in residential neighborhoods not in commercial districts. He said Sloane Court and the unnamed alley are viable conduits into the rear parking areas of commercial properties on Market Street. In respect to the Sloane Court vacation, Ms. Knapic feels one important thing to consider is the fact that all adjacent parties are in agreement. Mr. Ulbright indicated his intention was to leave Ordinance No. 2012-18 and 2012-19 on second reading and would open up the floor for public comment after the introduction of Ordinance No. 2012-19. The ordinance remained on second reading.

2. Second Reading - ORDINANCE NO. 2012-19 VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT) (Ulbright)

Mr. Ulbright detailed the location of the unnamed alley which is 20' wide runs 128.75' in a north/south direction from N. Buckeye to Bowman, and intersects Sloane Court at a 90 degree angle. With this alley in particular, Mr. Ulbright said there may be an amendment before council at the next meeting, to extend the vacation northward to the first east/west thru alley running from Market to Buckeye. Mr. Ulbright opened up the floor for public comment and the following individuals spoke: Lucas Gaffey, 438 N. Buckeye; Sherry Grande, 446 N. Buckeye; Matthew Long on behalf of Rocky Ridge Realty, 225 N. Market; David Griffith, 411 N. Buckeye; Debra Winkler, 292 Branstetter Street; Greg Gehris, 347 N. Grant Street and Roseann Shriner, 449 N. Market. At the last meeting Ms. Knapic requested a list of police reports made in the Sloane Court area over the last couple years. The report showed 19 incidents were reported to police between June 1, 2010 and June 5, 2012. Mr. Ulbright said he would like to set a Public Infrastructure Committee meeting prior to the third reading of Ordinance No. 2012-18 and 2012-19, to give the public another opportunity to offer input and council a chance to express their views. A meeting was scheduled for July 2, 2012 at 6:45 p.m., in Council Chambers at City Hall.

3. Second Reading - ORDINANCE NO. 2012-20 AMENDING CHAPTER 945, COLLECTION AND DISPOSAL OF WASTE MATERIALS AND RECYCLABLES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE CREATION OF A DOWNTOWN WASTE COLLECTION PROGRAM (Knapic)

As discussed at the last meeting, Ms. Knapic said there are multiple waste collection providers in the downtown area which causes congestion on the streets and there are private trash receptacles located in various locations throughout the Central Business District. The city would like to offer the downtown community an opportunity to utilize one waste collection provider by creating a downtown waste collection program to consolidate trash collection. Law Director Dick Benson answered questions regarding industrial waste and indicated there are specific Ohio Department of Health regulations that dictate how biohazardous materials are disposed of. Mayor Breneman further explained the program. He said it is a voluntary program and will be a pay to participate function whereas participants will have a key to access the dumpster(s).

Ms. Knapic moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

4. Second Reading - RESOLUTION NO. 2012-60 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2013 (Ansel)

Mr. Ansel said he would keep Resolution 2012-60 on second reading and if there weren't any questions or discussion items, it would be voted on at the July 2nd meeting. The resolution remained on first reading.

VII. NEW BUSINESS

1. First Reading - RESOLUTION NO. 2012-62 STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.03, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR TERRITORY LOCATED ON THE EAST SIDE OF GEYERS CHAPEL ROAD, SOUTH OF ITS INTERSECTION WITH BACK ORRVILLE ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS, AND DECLARING AN EMERGENCY. (Richard R. Benson, Jr., Esq., Agent for Petitioner the Wooster Growth Corporation) (Knapic)

Ms. Knapic said Wooster Growth is seeking to annex 0.69 acres on Geyers Chapel Road. Mr. Benson explained in the late 1990's the City of Wooster acquired the Besancon Farm and eventually transferred it to the Wooster Growth Corporation for development. The property has since been purchased/developed with companies such as Tekfor, Pizzazz Performance Wear and Ohio Department Of Transportation. Brasfond USA is buying the remaining 20 acres of land, which includes the 0.69 acres. Mr. Benson further explained the Besancons owned approximately 149 acres but did not own the 0.69 acres. All the property has long since been annexed but the 0.69 acres. In order for Wooster Growth to complete the deal with the property so Brasfond USA can develop it, Wooster Growth has to initiate the annexation so it can all be replatted into one lot. Mr. Buytendyk expressed this action is not to approve the annexation but only to specify what city services are available for this property. Wayne County Commissioners set a public hearing for August 15, 2012 and Mr. Benson said they will need to receive notice of services from the City of Wooster at least 20 days in advance of the hearing.

Ms. Knapic moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Sanders, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. First Reading - RESOLUTION NO. 2012-63 AUTHORIZING THE MAYOR TO SUBMIT APPLICATIONS TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained the Office of Community Development, a division of the Ohio Department of Development, provides annual financial and technical assistance to local governments through the Community Development Block Grant program for projects and activities which benefit either low-to-moderate income citizens, and/or community oriented businesses or areas. Two public hearings were held, June 1, 2012 and June 15, 2012, to review the allocation of funding. These requests are submitted to the state for review and if the criteria for funding is met, the city will be awarded the annual reimbursements. Mr. Ansel said the amount of CDGB funds for 2012 is \$89,000.00 which have been divided among three projects: 1) \$13,350.00 Assistance to the Viola Startzman Free Clinic; 2) \$72,150.00 Public infrastructure improvements in support of Merchants Block Redevelopment Project, 100 block W. Liberty Street; and 3) \$3,500.00 OHCP Fair Housing Program (federal requirement). The deadline date for submittal of the application is June 22, 2012 and therefore Mr. Ansel said approval by city council is

necessary. Mayor Breneman answered questions regarding the public hearings and future CDBG funding allocation.

Mr. Ansel moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

VIII. MISCELLANEOUS (none)

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Ansel to adjourn. Motion carried and meeting so adjourned at 9:10 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council