

## CITY COUNCIL MINUTES

May 2, 2011

### 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, Mark Cavin, Barbara Knopic, David Silvestri, Jeff Steiner and Jon Ulbright.

### II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knopic, to approve minutes of the April 18, 2011 meeting. Upon voice vote, motion carried unanimously.

### III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the City: 1) Wooster Community Hospital achieved accreditation of their total joint program from the Joint Commission. To their knowledge, they are the second hospital in the region to have achieved this accreditation. 2) It appears our local economy has begun to soften up as the city's building permit numbers are down. 3) Announced Matt Fisher was appointed as the new Chief of Police, replacing Steve Glick who will retire in June 2011.

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following members of the audience spoke: Brigid O'Connor, 907 N. Grant (Christmas Run Pool, painting pool house, proposal to run food concession stand and YMCA's proposal to operate the city pools); Gwen Sommer, 4090 Mallard Way (Proposal for YMCA to run city pools); Bob Gralinski, 2068 Normandy (City Pools/YMCA); Cliff Hill, 1165 Billiar St. (continuing problems with Enviroclean); Greg Gehris, 347 N. Grant (Market Analysis Survey). Mr. Silvestri recognized Troop 66 Boy Scouts who were in attendance.

### V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Silvestri noted there was a brief council session held prior to the council meeting. Justin Starlin and three College of Wooster students gave an overview of the Downtown Market Analysis Survey.

### VI. OLD BUSINESS

### VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CM PROPERTIES-WOOSTER, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained CM Properties intends to renovate an existing facility at 115 N. Grant Street, located within the designated community reinvestment area (CRA), to be utilized as a Family Dollar Store. They've requested a 50% CRA tax abatement for twelve years as an incentive for their \$700,000 investment which will create ten jobs. Their initial request was denied by the Planning Commission as the building's décor was not consistent with the downtown historical district. Mr. Ansel said the property actually falls right outside of the historical district and therefore was a gray area, but the company chose to change the design of their building if they could receive support by way of a tax incentive. The current property generates approximately \$8,100 in property taxes and without the abatement \$17,800 and with the 50% abatement \$12,900. Mr. Ansel said that is a substantial property tax increase along with the beautification of an existing building which will house a high demand enterprise. He believes this request is very reasonable and said it is supported by Main Street Wooster, Wooster Area Chamber of Commerce and the Wooster Planning and Zoning Commission. Also, both Wooster Growth Corporation and Wooster City School Board approved the tax abatement request. Mr. Starlin passed out an artist's conception of the renovation. Mr. Ulbright questioned if there was any way for the company not go through with the architectural plans. Mr. Benson said they are bound by the design based on what they presented and were approved by the Planning Commission. He said the important thing to remember is City Council does not have any jurisdiction over the design of a building when talking about tax incentives. Nothing in the law allows anything other than finances to be taken into consideration when determining a tax abatement request. If council would cross over and try to judge

their design, not only would that violate the law, council would also be usurping the authority of the Planning Commission and the Design and Review Board, who both have approved the design. Ms. Knapic felt this type of retail store would address the needs presented in the Downtown Market Survey and be of great use to everyone, as well as the downtown community. Administration confirmed for Mr. Cavin that this store would not replace any of the other similar type stores in town. Mr. Buytendyk said he supported the abatement and was told by a downtown businessman, who also supported the Family Dollar Store, that the more traffic downtown, the better off all the other downtown businesses are. Mr. Ansel added the marketing strategy of these similar type stores is to focus on different inventory, such as home and beauty care products versus food items, which allows each store to thrive.

Mr. Ansel 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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

2. First Reading -                   ORDINANCE NO. 2011-12 AMENDING ORDINANCE NO. 2000-58 BY ADDING AND DESIGNATING FOUR PROPERTIES WITHIN THE CITY OF WOOSTER'S PUBLIC SQUARE LANDMARK DISTRICT (Buytendyk)

Mr. Buytendyk said the proposed expansion of the Public Square Landmark District was shown in Exhibit A attached to the ordinance. Wooster Growth Corporation and Merchants Block LLC are requesting the four specified parcels, located in the 100 block of W. Liberty Street, be added to the City of Wooster Public Square Landmark District. This is the vacant site where the Freedlander Department Store formerly stood and where the Merchants Block Redevelopment Project is scheduled to begin in the summer of 2011. Mr. Buytendyk said the property owners want their development to adhere to these guidelines and would like the legislation to be approved so they can move forward with their project.

Mr. Buytendyk 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; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

3. First Reading -                   ORDINANCE NO. 2011-13 APPROVING AND ADOPTING THE WOOSTER MARKET ANALYSIS SURVEY (Ansel)

Mr. Ansel said an impartial Market Analysis Survey has periodically been done throughout the years in order to assess the needs of the downtown area and the last survey was conducted in 2003. At the initiative of Main Street Wooster and the Chamber of Commerce, three College of Wooster interns volunteered their time and efforts to compile the downtown Business and Market Analysis Survey at no charge to the City of Wooster. Mr. Ansel highlighted that the survey examined demographic data such as gender, age, income level, and zip code in order to decipher any differences between the users and non-users of the downtown businesses. The analysis will give the city a roadmap to plan and identify some of perceived deficiencies of the downtown, so those perceptions can be overcome. Mr. Ansel acknowledged the names of the three college students that compiled the survey and noted that none of them are from the Wooster area. He commended the College of Wooster for the spirit in which the survey was completed. Mr. Ansel further explained that council's approval of the survey was necessary in order for the city to apply for a downtown Community Development Block Grant. Sandra Hull, Director of Main Street Wooster, indicated the entrepreneur group was very excited to do this and even expanded the survey. She said it was very well done and she is very grateful to have a working document. Mr. Silvestri said he did not have time to review the entire document as it was passed out to council just prior to the meeting and he suggested holding the ordinance on first reading. After some discussion it was felt there wasn't anything to be gained by holding the ordinance as there was not much for rebuttal and the CDGB grant was due. Mr. Buytendyk noted that while the College of Wooster

students did the work, the students at the College of Wooster had virtually no impact on the survey as only 2.2% of the 18-21 age group responded to the survey and those may not have been college students. Mr. Ulbright expressed how the downtown restaurants have made a good impact and the survey confirmed we've made great strides in the downtown. Mayor Breneman said the timeline for the grant would allow council to hold the ordinance for another reading, but as a note of caution, it is a \$400,000 downtown revitalization grant that the City of Wooster has never received before and council's acceptance of the survey is a piece of the application. Mr. Silvestri said in going after such a large grant and knowing the survey is the tool with which administration can use to achieve that, he felt it would be fine to move forward.

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

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

4. First Reading - RESOLUTION NO. 2011-49 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR THE SECOND YEAR OF A TWO-YEAR CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE HAULING AND DISPOSAL OF SLUDGES (Silvestri)

Mr. Silvestri said this was a matter of housekeeping as council approved the two-year sludge hauling contract in Resolution No. 2010-17, but there was a concern with the language and to be on the safe side, the administration wanted to bring it before council to authorize payment for the second year. When the biotower comes online, Mr. Silvestri said it is hoped the amount of sludge hauling will be drastically reduced if not totally eliminated. Mr. Benson clarified that the amount of the contract was budgeted and therefore it was not necessary to have three readings.

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

5. First Reading - RESOLUTION NO. 2011-50 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SR 83 NEAR SR 302 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said this request was to authorize using city funds for a portion of the ODOT SR83 resurfacing project, from the south Wooster corporation line to the intersection with SR302. A portion of this section of roadway is inside the corporation limits and a portion is outside. The city is agreeing to pay 20% of the inside city corporation paving costs. He also noted that council authorized participating in Resolution No. 2011-10 on January 18, 2011 and the estimated cost of the city's portion was \$3,500 but the actual estimated cost is now \$2,200. Joel Montgomery, City Engineer, said this is the fifth of six pieces of legislation council has passed for three similar projects around the edges of Wooster. ODOT will require a final piece of legislation for another project which will be forthcoming.

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

6. First Reading - RESOLUTION NO. 2011-51 AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS ASSIGNING A NOTE AND MORTGAGE TO THE OHIO HOUSING FINANCE AGENCY (Ansel)

Mr. Ansel gave a brief history of events. In 1994 Council enacted Resolution 1994-40 which authorized the Mayor to enter into an agreement with Wooster Properties, Ltd. for the development of affordable housing on Melrose Drive in Wooster. The city acted as a conduit for the receipt and disbursement of federal funds for such developments and Wooster Properties, Ltd signed a Note and Mortgage in favor of the city. The Note and Mortgage are now due and the proceeds (both principal and interest) must be repaid to the Ohio Department Of Development in their entirety. City administration believes it to be in the best interests of the city to assign this obligation to the Ohio Housing Finance Agency, as the purpose of the original agreement has been fulfilled and the city is not eligible to retain any proceeds from the original agreement. Mr. Ansel said it is uncertain as to why ODOD had cities, for a 2-3 year time period, act as the conduit vehicle, but he believed it was to create buy-ins within communities. Mr. Ansel said the city was nothing more than a pass thru, the project is completed, there is no financial liability or obligation on behalf of the city and the money now goes back to the state so they can fund new projects. Mr. Benson said the city has been carrying this money as a receivable which we no longer need to do and we have been advised by the OHFA that with council's approval we can assign it back to them and they will assign it back to the fraternal organization that began this whole process, which will then be directly responsible back to them. Further, Mr. Benson explained the reason the city does not collect on the mortgage is because the terms of the grant state all repayments, interests income or return investment must be returned to the grantor. Mr. Buytendyk said the city didn't have any money in it so we can't expect to keep the money that we received. He said the sooner it is taken off our books, the sooner it will be one less thing city administration has to spend time on. Mr. Ulbright said he was on council in 1994 when this project was first introduced and he recalled there being some controversy as it was not received by everyone in a positive way. He said he was pleased to hear the positive comments now being made on the development as he felt it was something our community did need and it has worked out to everybody's satisfaction. In memory of Jean Baird, Mr. Benson mentioned that affordable housing was something Jean felt very strongly about and believes she would have taken a certain amount of pride knowing the city was able to achieve a positive result from this project. He also noted the discussions initially began in 1994 under Acting Mayor Patterson and came into fruition in 1996 under Mayor Howey. Mr. Benson said this project was nominated for a Governors Award for Excellence in 1997. Mr. Ansel commended Mayor Patterson, Mayor Howey and Jean Baird for their insight.

Mr. Ansel 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; Cavin-yes; Knapic-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; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

### **VIII. MISCELLANEOUS**

Ms. Knapic welcomed newly appointed Police Chief Fisher and asked Chief Glick to keep in touch. She also thanked the boy scouts for attending the meeting. Following the meeting, Ms. Knapic asked to meet with city administration, representatives from the YMCA and Christmas Run Pool, to talk about the YMCA's proposal to run the city pools.

Mr. Cavin congratulated Mr. Fisher on his new position and thanked Chief Glick for his service.

Mr. Ulbright said the meeting covered a lot of important issues and it was an honor to listen to all the hard work the College of Wooster students put together and he knows Main Street will put the survey to good use, increasing the quality of our downtown for all income levels, genders and races. He was very impressed with the citizens who spoke during the communications section of the meeting and he is very intrigued with the YMCA's proposal to take over the operation of the city pools. He will look forward to those discussions to see what savings there could be for the city. Mr. Ulbright questioned why the city doesn't have a street maintenance fund to be used for street repair, similar to the water runoff fund which is used for city sewer projects. Within the next month Mr. Ulbright would like to hold a Public Infrastructure Committee meeting to discuss this issue. Mr. Ulbright also congratulated both police chiefs.

Mr. Buytendyk congratulated Chief Fisher, thanked Chief Glick for his service and said it was nice to see Boy Scout Troop 66 in attendance at the meeting. He encouraged the administration to work out an agreement with the YMCA, if there is a way for the city to save \$20,000-\$30,000.

Mr. Ansel thanked Troop 66 for attending the meeting, congratulated Mr. Fisher on his appointment as chief and thanked Chief Glick for his contribution and direction. Mr. Ansel assured the YMCA that city administration will take into consideration the potential outsourcing of the city pools, if the financial justification is there. Mr. Ansel set a Finance Committee meeting for Monday, May 16, 2011 at 6:30 p.m. to review the city's 2<sup>nd</sup> quarter financials.

Mr. Benson informed council that last Friday, April 29<sup>th</sup>, Judge Spitler granted Summary Judgment on the Prosecutor's Complaint to foreclose the Sloan House and has ordered that the matter be prepared for a sheriff's sale.

Mr. Silvestri said he appreciated everyone who attended the meeting and thanked Troop 66 for being here. He congratulated Matt Fisher on his appointment and gave kudos to Chief Glick. Mr. Silvestri said he, as well as the other council members, are always open to ideas that will benefit the city, such as the YMCA proposal. He feels increasing user-ship will increase revenue and he encouraged the public to use Christmas Run Pool. Mr. Silvestri also praised the work done by the College of Wooster and Main Street Wooster with the Market Analysis Survey. He feels all of these are great and implementable ideas with specifics that can be used for the good of the citizens of Wooster.

#### **IX. ADJOURNMENT**

Ms. Knapic moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 9:05 p.m.

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David J. Silvestri  
Acting President of Council

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Cheryl K. Collins  
Clerk of Council