

## **CITY COUNCIL MINUTES**

**May 21, 2007**

**7:30 p.m.**

### **I. ROLL CALL & ORDERING OF AGENDA**

President Pro Tem Bob Breneman called the regular meeting of Wooster City Council to order at 7:30 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. APPROVAL OF MINUTES**

David Silvestri moved, seconded by Jeff Griffin to approve the minutes of the May 7, 2007 meeting.

### **III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Mitten gave a brief report on the city departments/divisions activities.

The Mayor also informed Mr. Ulbright that AEP will be installing a high pressure sodium vapor light at the intersection of Oak Hill and West Milltown Road the week of June 4<sup>th</sup>.

Ms. Mitten brought attention to two documents passed out to council. First was information on Senate Bill 117 which she would like council to read over, as they would like to have a resolution regarding this for the June 4<sup>th</sup> city council agenda. Also a memo from Mike Sigg was distributed regarding water rate increases, 3% for water and 3% for sewer, which will take effect in July of 2007.

### **IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

The Clerk read three communications:

Petition to Vacate a Public Street for property on both sides of Gasche Street between University Street and Wayne Avenue, submitted by Norma Booth, 804 E. University Street and Robert A. Walton, Vice-President, The College of Wooster, 1101 N. Bever Street. A public hearing was set for the next council meeting, June 7, 2007 at 7:30 p.m.

A letter from Mayor Judi Mitten requesting council's consent for her appointment of Jeffrey W. Perkins, MD to serve as a member of the Hospital Board of Governors in accordance with Section 10.02 of the Charter. This is to fill a two year vacancy on the board. Mr. Breneman moved, seconded by Ms. Cavin, to appoint Mr. Perkins to the Hospital Board of Governors. All were in favor.

Notice from the Ohio Division of Liquor Control for a new D51 liquor permit filed by El Rancho Grande, Inc., DBA El Rancho Grande, 117 W. Liberty Street. Ms. Cavin moved, seconded by Mr. Ulbright, not to request a hearing and all were in favor.

The following people spoke to city council: Alexsandra Davis, 428 N. Bever (RT Zoning) and Greg Gehris, 347 N. Grant (zoning-affordable housing).

### **V. COMMITTEE REPORTS**

Mr. Topovski advised he needed to schedule an Infrastructure Committee meeting to discuss sidewalk installations. He has a letter from the board of education with their recommendations as to where they would like to see additional sidewalks, as was discussed at the last committee meeting.

## **VI. OLD BUSINESS**

1. Third Reading - ORDINANCE NO. 2006-49 AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO  
(Ansel)

Mr. Ansel explained this ordinance was tabled on November 6, 2006 and there has been a lot of dialog regarding the Planning and Zoning Code revisions and updates since then. Mr. Ansel moved, seconded by Mr. Topovski, to remove it from the table.

Two weeks ago all members received a draft of the Planning & Zoning Code dated May 3, 2007 to review. There was some feedback received and a summarized revision to the final draft was made, which Ms. Jesionek's office will combine for the final working copy of the ordinance. Mr. Ansel moved, seconded by Mr. Silvestri, to accept the substitutions as referenced on the May 3, 2007 summary by Ms. Jesionek's office. All were in favor.

Mr. Ansel explained there was one minor revision to the final substitution which was on the large multi-colored segmentation map showing the city's zoning. On S. Market Street two properties were erroneously color coded in orange (C-2) and they should be pink (C-4) and that is the correction which was made. Mr. Ansel made motion, seconded by Mr. Griffin, to insert the C-4 modification correction change to the city map as referenced. All were in favor.

Mr. Ansel shared that this legislation has been in the works for over 5 years and everyone has collaborated, working diligently to make the required modifications for a document that is very fair, equitable, reasonable and workable and feels the majority of the constituents are represented in the modifications and changes. On behalf of the Laws & Ordinance Committee and the citizens of Wooster, Mr. Ansel expressed he was very proud of the work done toward this document. Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Ms. Cavin wanted to clarify some questions regarding the multi-family housing allowed in the RT area. Ms. Jesionek explained that existing multi-family or two-family dwellings would be grandfathered in. If that use is abandoned within a one year period it would then have to comply with current zoning. No new two family, no conversions to multi-family or conversions to two-family would be permitted. Single family attached would be conditional uses requiring not only review by the Design and Review Board but also the Planning Commission and they would only be permitted on certain named streets adjacent to the central business district. Mr. Ulbright reiterated his objection to the 10 to 15 year extension of existing signs and billboards, but he did not receive any comments from the general public and therefore will not let this one particular item to change his vote of approval as he thinks it's an excellent package and wanted to commend those who put all their hard work into it. Mr. Topovski reminded everyone of the numerous public hearings which were open to the public and the Founders Row group continuously attended those meetings in an effort to regenerate their neighborhood and he thanked them for their commitment, their council representative Ms. Cavin and others for all their hard work. Mr. Silvestri also indicated the hours and hours of work put into this specialized document making it unique to our community which will give leverage to what we want to see Wooster become in the future. Mr. Breneman recalled the process beginning years ago indicating it is a monumental task and he offered his compliments to the planning staff, especially Ms. Jesionek, for putting it together. Upon roll call, motion to adopt carried unanimously.

2. Second Reading - ORDINANCE NO. 2007-21 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.  
(Ansel)

Mr. Ansel stated laws change at the state level and we pay a company to notify us of those changes. We then upgrade our local laws and ordinances to reflect the state mandated changes. Being that most members did not receive a copy of the 2006 update, Mr. Ansel asked for one more reading until all members could get the correct updates, review appropriately and vote on them.

3. Second Reading - ORDINANCE NO. 2007-25 ADOPTING THE FLOOD DAMAGE REDUCTION ORDINANCE. (Griffin)

Mr. Griffin said this plan would support the city's participation in the National Flood Insurance Program which was initiated with Resolution #2006-75. The program enables property owners in participating communities to purchase insurance protection against losses from flooding, which is designed to provide an alternative to disaster assistance to meet the escalating costs of damages caused by floods. It allows residents and property owners in the city protection with insurance that would be unavailable to them without the city's participation in the program. Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously

4. Second Reading - RESOLUTION NO. 2007-52 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ISSUE PAYMENT TO RATLIFF CUSTOM HOMES FOR CITY-REQUIRED MODIFICATIONS TO A WATER LINE BEING CONSTRUCTED TO SERVE THE CROOKED CREEK DEVELOPMENT AND OTHER AREAS IN THE NORTHERNMOST PORTION OF THE CITY, AND DECLARING AN EMERGENCY. (Griffin)

Mr. Griffin stated the waterline loop being created in the northern most area of the city is costing the city \$142,000 for a 12 inch waterline loop as opposed to an 8 inch loop which the developer agreed to put in place. This will eliminate dead ends in the area, will serve the new residential development stated in the legislation, will connect to the new water tower and prepare for future growth and demands for water supply in that area. He believes it is a good investment of city dollars as the cost is for materials only to increase the waterline from an 8 inch to a 12 inch and this is in line with past city practices. Mr. Topovski's only concern was initially he believed the cost of the 12 inch line was going to be borne by the developer and asked that future documents not leave any gray areas. Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2007-26 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SIGN DESIGN WOOSTER, INC. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Breneman)

Mr. Breneman stated the implementation of the community reinvestment area has revitalized our downtown area and this project is another example of that. Sign Design, currently located on Highland Avenue, purchased property on Old Lincoln Way West which has been vacant for two years, formerly Ruby's Inn and thereafter Family Pools. They have four employees and will be adding 2 full-time employees over the next four years. This would be an investment of approximately \$179,000 and they requested a 50% abatement of taxes over 12 years. It differs a little from other CRA applications within the CRA district, specifically the downtown corridors where 100% abatements were approved. This property is not technically in the downtown sector but is in the CRA district. Wooster Growth approved the original 12 year, 75% abatement, but the Wooster School Board decided to table it to determine how they should handle CRA applications that aren't located in the downtown area. Mr. Ansel did not feel a precedence was being set for future abatements outside of the downtown area, as Sign Design chose not to delay their construction while the school board deliberated on the higher percentage and therefore reduced their abatement to 50%, an amount that does not require school board approval. Mayor Mitten also noted that Sign Design is currently located outside of the city limits and this move would bring them into the city. Mr. Griffin said

he understood this is a multi step process to bring these before council, but was disappointed this business only received a 50% abatement and hoped a precedence wasn't being set with a geographical distinction, downtown versus outlying zone, as although the downtown is very important, so are new jobs within the city. Ms. Cavin questioned the total amount being abated as shown on the application and also was concerned that a distinction was being made within the CRA district. 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. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

2. First Reading -           ORDINANCE NO. 2007-27 AUTHORIZING THE CITY OF WOOSTER TO ACCEPT A GIFT OF A LEASED VEHICLE FROM RED FERRIS CHEVROLET (Silvestri)

Mr. Silvestri stated that in August 2006, the fire department acquired a \$48,000 fire safety trailer, 90% of which was funded through a FEMA grant. The trailer educates in general safety, kitchen safety, weather safety, heat safety, escape route training, it covers a wide array of different areas as an instructional trailer. In order to transport it the fire department borrows a vehicle from another department. Kirk Spurgeon of Red Ferris Chevrolet proposed to donate a 2007 Chevrolet Silverado quarter ton pick-up truck for the exclusive use of pulling the safety trailer. The fire union is also working with Ken Stiffler of Sign Design to letter the truck in conjunction with the way the trailer is lettered. Mr. Silvestri expressed his excitement and gratitude to these local businesses who donate their services to the city. Mr. Silvestri moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Silvestri moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

3. First Reading -           RESOLUTION NO. 2007-54 APPOINTING AN ASSESSMENT EQUALIZATION BOARD FOR THE BEALL AVENUE STREETScape PROJECT, AND DECLARING AN EMERGENCY (Topovski)

Mr. Topovski stated the city is proceeding with the Streetscape Project of Beall Avenue. The proposed assessments were mailed out to 49 property owners and 11 have filed complaints to have their assessments re-evaluated. This resolution allows council to appoint an independent board to hear the objections and see if there is merit in reducing their assessments. This step must be accomplished before the project can proceed. Mr. Topovski urged council to work with him in passing this as there is a time deadline and also interest in bidding on this project. Ms. Cavin asked how the equalization board was chosen. Mayor Mitten explained that Tim Bahler has a banking background, William Gasbarre has a surveying background and Jim Lanham is an attorney. Mr. Benson further explained the statute on the equalization board provides that the board must be "three disinterested freeholders". Disinterested meaning they have no interest whatsoever, personal or otherwise, within the project area and freeholders meaning they are owners of property within the city of Wooster and they also must be residents of the city. The board will make a recommendation and council will have to adopt their recommendation. This resolution not only provides the appointment of the equalization board but also establishes a date for their meeting and their hearing. Mr. Benson told council they should have the board's recommendations at the June 11, 2007 meeting. Mr. Breneman questioned the date to file an objection. Mr. Benson said the objection period has expired for all property owners as they were advised in writing they had to file an objection within 14 days from the time they received the notice. The reference to 5 days is that a hearing cannot be held less than 5 days from the time the hearing is set. Therefore, notices must be served on the 11 residents who objected no less than 5 days before. Property owners who have an objection, but did not file a written objection, as they were required to do by statute, may still attend the meeting as it is an open meeting. In the past the equalization boards have always first listened to those who filed objections, but typically have given others time as well at the conclusion of the meeting. Mr. Breneman conveyed that those who did not file an objection, but who may have questions or a problem, can come to the 7 p.m. meeting on June 5 and there is a possibility the equalization board might consider their concerns also, although they are not required to do so. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading.

Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Griffin, to adopt. Upon roll call, motion to adopt carried unanimously.

4. First Reading - RESOLUTION NO. 2007-55 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 EITHER SIDE OF CANAL ROAD (CR 19), EAST OF AND ADJACENT TO THE DIX EXPRESSWAY, AND CONTIGUOUS TO THE CORPORATION LIMITS, AND DECLARING AN EMERGENCY. (John Barrington, Esq., Agent for Petitioners) (Ansel)

Mr. Ansel stated the attached map summarized the acreage involved with this proposed annexation which is 16.869 acres. It is immediately west of the railroad underpass on Canal Road. The north side of Canal Road going east would be Universal Well Services and on the southern part of that property, approximately 7 acres, is an undeveloped field with the Apple Creek running through the southern most section of that property. It is contiguous to the city on the northwest corner. The city has expanded that water line and sewage line and there is police and emergency fire protection services available. The owner of the parcel desires to tie into the city services, at their expense, and request this be moved to third and final reading as they would like it to go before the County Commissioners at their June 6 meeting. Mr. Ansel said the only question he did not have answered is what was motivating the owners to make this move now rather than later. Mr. Barrington, Agent for Petitioners, said the owner explained to him that after the new sewer was installed last fall, Universal Well Services, which leases the property north of Canal Road, approached him about tying into the sanitary sewer system as they felt it was environmentally a good thing to do. Mr. Ansel moved, seconded by Mr. Topovski, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously.

5. First Reading - RESOLUTION NO. 2007-56 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE SANITARY LIFT STATION SERVING PORTIONS OF THE KILLBUCK SOUTH SEWER DISTRICT, AND DECLARING AN EMERGENCY (Griffin)

Mr. Griffin stated this cost is budgeted in the city's ten year plan as they are aggressively and efficiently identifying lift stations that can be replaced with gravity systems. This particular lift station does not allow for the gravity system and therefore is a replacement of the sanitary lift station serving the Killbuck South sewer district. There is an agreement between the city, county and EPA that goes back many years for the city to provide sanitary sewer services to that area. Triway's high school and middle school are part of the area served by this lift station and though not in the city, the water pollution control fund generates revenue from the sanitary service and is how the city is able to carry a balance for planned projects like this. This particular lift station falls into an era of late 60's early 70's so for 40 plus years has worked to serve its purpose and now is schedule to be replaced. Mr. Griffin moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Griffin moved, seconded by Mr. Breneman, to adopt. Mr. Sigg addressed Mr. Topovski's question that this lift station has nothing to do with the Batdorf Road area sewer issues. Upon roll call, motion to adopt carried unanimously.

6. First Reading - RESOLUTION NO. 2007-57 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE LARWILL STREET BRIDGE, AND DECLARING AN EMERGENCY (Topovski)

Mr. Topovski stated in October of 2006 Resolution #2006-68 was passed authorizing the design of a new bridge on Larwill. The current bridge has outlived its useful life and ODOT has concurred with our engineering department that the bridge needs to be replaced or load limits reduced. This will be paid for out of the Permissive Tax Fund with the estimated total cost of \$523,000. This cost is made up of \$33,465, for water line replacements in the area that the city will pay 100% of and \$489,535 which will be 80% funded by ODOT. The total city cost of this project is \$131,372. ODOT re-prioritized this project and made funding available ahead of other ODOT projects. There is a 60 day completion date and if started soon the project should not create traffic problems during the Wayne County Fair. Mr. Ansel wanted clarification on how ODOT re-prioritizes projects for one that would be inside the city. Mr. Montgomery explained ODOT makes funding available for roads that are classified under urban systems and Larwill is one of those streets that is available for those funds based on the amount of traffic it generates. Also, based on the last bridge inspection, ODOT felt it warranted replacement as soon as possible. Not all of ODOT's planned funds are used every year and based on their rating and funds available, coupled with the fact the city was ready to go with this project, they granted the available funds. Mr. Topovski moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously.

### VIII. MISCELLANEOUS

Greg Gehris, 347 N. Grant, spoke (zoning-affordable housing)

Mr. Ulbright and Mr. Ansel both thanked city administration for putting together the detailed summation of Senate Bill 117 for council to review.

Mr. Breneman stated he was glad to see the Planning and Zoning Code move forward and thanked the committees who worked on the process. He encouraged Mr. Gehris to look over the Planning and Zoning Code as there will be quirks in it, but the system must run for awhile and then those quirks can be addressed as they come up.

Mr. Silvestri also wanted to express his pleasure in passing the Planning and Zoning Code and seeing how good government works.

Mr. Topovski too expressed his satisfaction with the Planning and Zoning Code and appreciation for all the work done. Mr. Topovski requested a public hearing be set for the Petition to Vacate a Street at the next council meeting on June 4, 2007 at 7:30. He also asked to set up an Infrastructure Committee meeting to discuss additional sidewalks and asked other committee members to email him with available dates and times.

Ms. Cavin wanted to thank the school board for giving careful consideration of the Sign Design CRA abatement, although she would have liked it to have been more consistent with other CRA projects, she appreciates the time they took to do what they felt they needed to do.

### IX. ADJOURNMENT

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

---

Robert F. Breneman  
President Pro Tem of Council

---

Cheryl K. Collins  
Acting Clerk of Council