

CITY COUNCIL MINUTES

May 7, 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 Mr. Ansel, to approve the April 16, 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) Organizational changes: Eileen Bensen, Human Resources Manager, and Rebecca Leitschuh, City Planner, submitted their resignations. The city will evaluate how best to fill these two positions. In the interim, the city planner position will be filled on a part time basis by Val Jesionek, former city planner. Also, Wooster Police Captain John Quicci elected to return to the rank of lieutenant. Eligible candidates will be tested to fill this position. 2) The Impact Group has begun their study to determine the wants and needs of the citizens. The community phone survey will begin within the next two weeks and residents are encouraged to participate. 3) The performance auditors have started their analysis in comparing Wooster to other communities similar in size, evaluating services provided, cost of services, employee benefits/salaries, etc. 4) Certified Angus Beef held a Grand Opening on May 4th for their Education and Culinary Center. 5) The Merchants Block project continues to progress with the third floor almost housed in and the brick front going up. 6) OARDC has selected Shauna Brummet as president and executive director of its BioHio Research Park.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following members of the audience spoke: Greg Gehris, 347 N. Grant (RT zoning).

Notice was received from the Ohio Department of Liquor Control that Greystone Group LLC, DBA Somar Wine Cellars, 211 S. Market Street, applied for a new D5L liquor permit. Mr. Ulbright moved, seconded by Ms. Knapic, not to request a hearing. Motion carried unanimously.

A certified mailing was received from Palm House Apartments indicating they have acquired property at 1183 Rebecca Street. This will involve rehabilitation of up to 62 units, targeted to low-to-moderate income families/individuals. The City of Wooster has 30 days from receipt of the notice to send a written statement of disapproval or objection.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A public hearing was held on the amendment to the City of Wooster zoning map following the annexation of 2457 Melrose Drive (Tim and Carol Hall) to an R-3 (Attached Single-Family/Townhouse) District. Ms. Knapic said this request is for property located on the east side of Melrose Drive, north of its intersection with Portage Road and contiguous to the corporation limits. Patrick Noser of Critchfield, Critchfield and Johnston, spoke on behalf of the petitioners. He explained the reason for the zoning change is that once property is annexed into the city it has to be zoned. There were no objections voiced and the public hearing was closed.

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2012-13 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY THE ADOPTION OF AN AMENDMENT TO SECTION 1149.03(c)(4) DEALING WITH NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND (Knapic)

Ms. Knapic said she would move to table the ordinance as there is another proposal pending before the Planning Commission and she thinks it would make sense to look at all proposals at one time to determine what is going to be best for the city.

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

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-14 EXTENDING THE CITY OF WOOSTER'S MORATORIUM ON THE PROCESSING OR APPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS UNDER THE CITY'S ZONING OR BUILDING CODES FOR ANY PREMISES FOR WHICH AN ADULT GAMING PARLOR OR SWEEPSTAKES TERMINAL DEVICE IS, OR IS PROPOSED TO BE LOCATED, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic said City Council took this issue into consideration previously when it appeared the city was getting a number of applications for various adult gaming facilities throughout the city. On November 7, 2011 council passed a 180-day moratorium (Ordinance No. 2011-30) on processing or approval of these applications, which placed a temporary ban on all permits needed to open an adult gaming parlor in the city limits. Ms. Knapic said this request is an extension of that 180-day moratorium as the city wanted the opportunity to review and determine how to handle this type of business coming into town.

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).

Mr. Silvestri said he is whole-heartedly in support of this effort and feels it is a very wise move for our community. Mr. Sanders had a question regarding zoning of these businesses. Law Director Dick Benson explained the Ohio Legislature is still considering legislation that would implement a plan for a statewide regulation to require these businesses to be licensed and regulated by the Ohio Casino Control Commission. He said most cities our size are enacting moratoriums hoping we don't have to re-invent the wheel two or three times, but that the state will do it for us. Otherwise, Mr. Benson said we will have evaluate adopting regulations if it appears the state isn't going to do anything in a timely manner, as we can't keep reenacting moratoriums indefinitely. In regards to zoning, Joel Montgomery, Public Works Administrator, said adult gaming facilities are currently allowed to exist in certain areas of the city. If there are no changes to the law or if the moratorium runs out, then the businesses will continue to be allowed in the district where they are currently permitted. Mr. Ulbright and Mr. Benson encouraged contacting Representative Amstutz and Senator Obhof in regards to this issue. Mayor Breneman said he was informed the senate has a bill pending on May 8, 2012 to place a year long moratorium on this issue. Ms. Knapic said she thinks it is a good idea to wait and see what the state is going to do and then we can decide what to do within those structures. She indicated she is in favor of this moratorium and will be in favor of another moratorium down the road if the state does not take action.

Ms. Knapic moved, seconded by Mr. Silvestri, 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 - ORDINANCE NO. 2012-15 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE EAST SIDE OF MELROSE DRIVE, NORTH OF ITS INTERSECTION WITH PORTAGE ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Matthew A. Long, Esq., Agent for Petitioners Tim and Carol Hall) (Knapic)

Ms. Knapic pointed out this was the topic of the public hearing held earlier in the meeting. The request is to annex property currently located in Wayne Township, adjacent to the city corporation limits. Patrick Noser, representing the petitioners, spoke at the public hearing and explained what this would involve and the purpose for being done.

Ms. Knapic didn't feel there was any reason to delay the request as there were no objections voiced at the public hearing.

Ms. Knapic moved, seconded by Mr. Ulbright, 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. Ansel, 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).

3. First Reading - ORDINANCE NO. 2012-16 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (0.920 ACRES) TO AN R-3 (ATTACHED SINGLE-FAMILY/TOWNHOUSE) DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF MELROSE DRIVE, NORTH OF ITS INTERSECTION WITH PORTAGE ROAD (Knapic)

Ms. Knapic said newly annexed land must be given a zoning designation and the Planning Commission has recommended this property be zoned R-3 (Attached Single-Family/Townhouse) district. There were no objections during the public hearing.

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. Silvestri, 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. First Reading - RESOLUTION NO. 2012-51 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING TREE SERVICE (Silvestri)

Mr. Silvestri said there are no significant changes from last year's contract for providing tree service. The one year contract will be in effect from July 1, 2012 to June 30, 2013. Work will involve trimming, pruning, planting and grinding tree stumps; spraying; and other tree services that may be performed on property owned by the city.

Mr. Silvestri moved, seconded by Ms. Knapic, 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).

5. First Reading - RESOLUTION NO. 2012-52 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF JUSTICE, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner said the police department's bullet proof vests have expiration dates and need to be replaced every five years. Replacement vests were purchased out of the police division's 2011 budget and then the department applied for and received a grant from the Department of Justice to pay one half of the total cost of the vests. Mr. Steiner said the police department is requesting the grant funds be allocated back into the police department budget for 2012, to allow for the purchase of SWAT/Tactical vests that will expire in 2012. Mr. Steiner said authorization is needed in order to accept grant monies in the amount of \$12,487. Police Chief Fisher further explained the grant funding and purchasing of the vests.

Mr. Steiner moved, seconded by Mr. Cavin, 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. Steiner moved, seconded by Mr. Ansel, 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).

6. First Reading - RESOLUTION NO. 2012-53 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE HAULING AND DISPOSAL OF SLUDGES, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this is to authorize bidding a one year (the second half of 2012 and the first half of 2013) contract for the sludge hauling service for the Waste Water Treatment Plant. Hauling and disposal of sludge is a required process of current treatment plant and failure to dispose of sludges would result in effluent violations. The estimated total cost of the contract is \$500,000. Mr. Montgomery said this is normally a two year contract, but he is only requesting a one year contract so the city can evaluate the situation in a year.

Mr. Sanders moved, seconded by Mr. Steiner, 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. Sanders moved, seconded by Ms. Knapic, 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).

7. First Reading - RESOLUTION NO. 2012-54 AMENDING RESOLUTION NO. 2011-89 BY INCREASING THE AMOUNT OF THE CONTRACT (Sanders)

Mr. Sanders said an additional \$50,000 is being requested to sustain the last two months of the existing two year sludge hauling contract with Agri-Sludge, Inc. He said these additional funds will not exceed the original amount of \$1,090,000 appropriated in Resolution No. 2010-17. Ms. Knapic recalled last year there were questions about why there was so much sludge hauling in light of the new treatment plant and council wanted answers before continuing to increase the amount for sludge hauling. Mr. Montgomery explained that last year council approved an additional \$350,000 for sludge hauling but capped the amount at \$250,000. He said an additional \$50,000 is now being requested because the contract is going to exceed the capped amount of \$250,000. Mr. Montgomery said that is why next year's sludge hauling contract will be for one year rather than two years, so changes can be implemented at the plant and the system monitored for improvement. Mr. Silvestri said he did not understand why the entire amount of \$350,000 was budgeted if only \$250,000 was approved by council and before he could support the resolution he would like more answers as to why we are where we are at and why those cost couldn't be kept down. Mr. Buytendyk said his understanding was the amount was capped so further requests for funds would have to come before council along with an explanation as to why so much was being spent on sludge hauling, as the new plant was suppose to decrease sludge hauling. Mr. Montgomery said the URS report should be completed soon and he hesitates to try and answer questions until a final draft of that report is received. Mr. Benson added that the URS report is expected in mid-May and should be presented to council before the next meeting. Mr. Ansel said he doesn't feel council should micromanage administration, because everyone knows there is an issue at the plant with more sludge being generated than projected and the city is trying to get the process back in a controlled state, but doing a periodic funding review isn't solving the problem. He said maybe the amount should have been capped at \$300,000, but the bottom line is the city owes the money.

Mr. Sanders moved, seconded by Mr. Ulbright, 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).

8. First Reading - RESOLUTION NO. 2012-55 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE EXTENSION OF A SANITARY SEWER LINE SERVING GEYERS CHAPEL ROAD (Sanders)

Mr. Sanders said in order for the ODOT garage project to move forward this summer, the city needs to extend the sanitary sewer to that property. The site was sold to ODOT with the understanding that all city services would be available at the location. Mr. Sanders noted that the relocation of the ODOT garage will bring 30 jobs into the city. Total estimated cost of the sanitary sewer project is \$60,000. Mr. Montgomery said ODOT will pay approximately \$15,000 in connection fees and permits, offsetting a portion of the \$60,000.

Mr. Sanders moved, seconded by Ms. Knapic, 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).

9. First Reading - RESOLUTION NO. 2012-56 AMENDING RESOLUTION NO. 2011-91 BY INCREASING THE AMOUNT OF THE CONTRACT; AND APPROPRIATING THE COLLEGE OF WOOSTER'S SHARE OF THE PROJECT COSTS (Ulbright)

Mr. Ulbright said this request is to increase the contract amount from \$50,000 to \$63,000, the amount budgeted and appropriated. This request is also to accept and appropriate funds from the College of Wooster (\$29,637.50). The college agreed to pay up to 50% of the costs of placing a pedestrian signal at Beall Avenue in front of Lowry Center on the College of Wooster campus, because of pedestrian safety concerns. Mr. Ulbright said when the bid for the light came in, it was higher than \$50,000.

Mr. Ulbright moved, seconded by Mr. Silvestri, 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).

10. First Reading - RESOLUTION NO. 2012-57 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this request is to authorize application for and acceptance of \$500,000 in grant money from the Ohio Public Works Commission for the sewer separation project on Spink Street from Bowman to University, and portions on Bowman Street and Belmont. This project will install over 3000 feet of storm sewer, 1500 feet of sanitary sewer, 41 catch basins and manholes, and separate the storm sewer connections into the sanitary sewer. The funding will cover 59% of the project, which is the next sewer system priority on the city's ten year Infrastructure Plan. Mr. Ulbright asked if street improvement on some of these streets could coincide with the sewer separation work. Mr. Montgomery said depending on the construction they will attempt to perform some pavement repair similar to the Gasche Street project.

Mr. Sanders moved, seconded by Mr. Steiner, 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. Sanders 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

Ms. Knapic thanked the College of Wooster and Joel Montgomery for the pedestrian light in front of Lowry Center on Beall Avenue. Many people have voiced their concerns to her about the safety of the students and she feels the light will be a big help.

Mr. Silvestri wished all the best to Eileen Bensen and Rebecca Leitschuh and thanked them for their service to the City of Wooster. He also thanked John Quicci for his service in the position of captain and is glad he will be retained on the police force in a different capacity. In regard to Resolution No. 2012-54, Mr. Silvestri wanted to express that the Public Utilities Committee spent hours going over this issue trying to make sure everyone understood all the concerns and that the public was aware of the matter, because water bills keep going up and citizens wonder why and want answers. The water funds pay for the current operation of the waste water plant and therefore the citizens bear the burden collectively when the plant is not working as efficiently as it should. Mr. Silvestri said he is looking forward to the URS report coming out, but he did want to mention this issue was a big concern to the Public Utilities Committee who labored over it and he thought it would be remiss if he just glossed over the subject.

Mr. Ulbright agreed with Mr. Silvestri, but feels through the process of tonight's discussion, the committee did accomplish their goal, to bring sludge hauling to a focus. He said it is good the city doesn't have to come up with \$100,000, but just \$50,000. He said it will also put extra emphasis on the URS report which Mr. Montgomery indicated he would go over in detail with council. Overall, Mr. Ulbright thinks it's a victory for the things the Public Utilities Commission set forth as a goal.

Mr. Sanders thanked Ms. Bensen and Ms. Leitschuh for their service to the city. He said it was a pleasure to have served on a couple committees with Ms. Leitschuh and he wished her success in her new job.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Silvestri to adjourn. Motion carried and meeting so adjourned at 9:00 p.m.

Michael G. Buytendyk
President of Council

Cheryl K. Collins
Clerk of Council