



WOOSTER CITY COUNCIL MINUTES
October 20, 2014

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. The following members were present: Jon Ansel, Barbara Knapic, Scott Myers, Craig Sanders, David Silvestri and Jon Ulbright. Mark Cavin was absent.

City Administration present: Mayor Bob Breneman, Law Director Dick Benson, Director of Administration Joel Montgomery, and Finance Director Andrei Dordea.

II. APPROVAL OF MINUTES

Mr. Ansel moved, seconded by Mr. Silvestri, to approve the minutes of the October 6, 2014 regular meeting. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman noted the passing of former Mayor Margaret Demorest who served the City of Wooster as Mayor from 1980 until 1984. Mayor Breneman shared a few items from the council minutes recorded during Mayor Demorest's administration. Mayor Breneman also shared the news of the passing of Jim Anderson and highlighted his accomplishments and contributions to the Board of Governors at Wooster Community Hospital (WCH).

Mayor Breneman also informed council the city has hired a new manager for the Public Properties Maintenance Division. Curt Denning's first day with the city was October 8th and he came to the city from Dalton where he served for many years.

Mayor Breneman shared that city officials attended the Wayne County Community Foundation Friends of Philanthropy Dinner where the J.M. Smucker Company was honored. In addition, the NAACP Freedom Fund Dinner honored John Goff as this year's scholarship recipient, and the Wooster Area Chamber of Commerce held an economic forum.

Mayor Breneman stated the city's safety forces, as well as the WCH, have protocols in place to handle any cases of the Ebola virus that may occur in our community.

Mayor Breneman also spoke to the proposed zoning code amendments saying the zoning code is a living document, things change, and the code needs to be revisited to make sure it addresses the needs of the city and its residents. Mayor Breneman stated community facilities, such as the fire department, police department, water towers and lift stations, are site-specific and the city needs to have the latitude to put those functions in place. Mayor Breneman stated special interests should not restrict the city's ability to provide for the 26,000 residents.

Mr. Montgomery addressed council to answer some of the questions that have come up recently. As to the number of changes to the zoning code Mr. Montgomery stated there have been nine changes to the zoning code of varying degrees since 2006, and the majority of those occurred under the guidance of a prior planning and zoning manager. He said he wanted to share that information to show changes to the zoning code happen all the time and it has not just been the current administration. Mr. Montgomery also noted the city has used the same consultant, D.B. Hartt, throughout all those changes. Mr. Montgomery stated it has been said the changes are there because the city wants to go into the cell tower business, which Mr. Montgomery said it simply not true. Mr. Montgomery said the city has one tower that was approved by city council to provide essential communications for fire, police and public utilities. He said it is the tower proposed for the Layton site, there are no other plans for any other towers at this time. Mr. Montgomery also said there is a communications tower, well over 100 feet tall, currently located behind the fire station. He said it is old and rusty and will need replaced at some point. He reiterated the tower is only to provide communications for critical safety services for the city. Mr. Montgomery also stated the only reason a cell

company is even involved at Layton is because they are willing to pay for the construction, operation, maintenance and also pay the city for the use of the tower. Mr. Montgomery stated that reduces the burden on the taxpayers and the additional revenue from the tower will go to supplement city funds. Mr. Montgomery also stated, in response to questions about the use of Layton school, the city has no current plans for the building. He said the city is currently using the building for storage, allowing use of the parking lot for parking for events, allowing use of part of the building for an entity to store some items, and also allowing the womens' lacrosse team to practice there. Mr. Montgomery added the city needs to make sure the water is on, the heat works, the fire and security systems work, etc. He said these are the beginning and end of what has been going on at the school. Mr. Montgomery said the city looked at the building to see if it was feasible to locate a police station there, and it does not appear to be an economical option for the police department's needs and he has no plans to present that to council at this point. Mr. Montgomery reiterated that public facilities are unique and location-specific in that they are dedicated to providing critical safety services to the citizens. He also added the conditional use criteria are subjective and were not written with community facilities in mind. Mr. Montgomery provided some examples of situations in which the public safety could be compromised if community facilities were subject to the conditional use process. He concluded by stating there is no personal agenda for any of the requested changes to the zoning code. Mr. Montgomery stated the city wants to provide the best and safest services to the community as a whole.

Police Chief Matt Fisher announced to council that Sergeant Victor Nedoma, three years after sustaining a gunshot wound during a training accident, has returned to road duty.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

A notice was received from the Ohio Division of Liquor Control stating Jejopa Investments LTD, dba Spoon Market and Deli, 147 S. Market St., Wooster, Ohio 44691 has applied for a new D5L class permit.

Ms. Knapic moved, seconded by Mr. Myers, to waive a hearing on the application. Upon roll call, motion carried unanimously. (Ansel-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

The following members of the audience spoke: Mary Beth Henthorne, 1727 Burbank Rd., (Ord. No. 2014-24); Jay Henthorne, 1727 Burbank Rd., (Ord. No. 2014-24); Julie Pooler, 1814 Burbank Rd., (Ord. No. 2014-24); April Gamble, 15 Salter Rd., (Ord. No. 2014-24); Joyce Burdno, 1913 Blair Blvd., (Ord. No. 2014-24); Linda Houston, 1823 Burbank Rd., (Ord. No. 2014-24); and Addison Goodell, 100 Salter Rd., (Ord. No. 2014-24.)

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Myers reported on the Public Health and Leisure Committee held prior to the council meeting. He said the city reported it has been able to return to a more robust schedule of maintenance, mowing, and mulching. Mr. Myers stated the Christmas Run Park play structure will need to be replaced in the next year or so because it has fallen into disrepair. He noted the relationship with the YMCA to manage the city pools worked well over the past summer. Mr. Myers stated pool attendance was down, which was not a reflection of management but of the cooler summer in the area and other activities available to families.

VI. OLD BUSINESS

1. Third Reading – ORDINANCE NO. 2014-24 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)

Ms. Knapic moved to divide the question into three parts. Ms. Knapic stated the first part would be named Ordinance No. 2014-24 (A) and would match the zoning code changes recommended by the Planning Commission; the second part would be named Ordinance No. 2014-24 (B) and would change Public Safety, Health and Utility facilities from conditional to permitted use in residential zoning districts; the

third part would be called Ordinance No. 2014-24 (C) and would change the allowable time of display of temporary signs from four times a year, not exceeding 30 days per occurrence, to two times a year, not exceeding 45 days per occurrence.

Ms. Knapic moved, seconded by Mr. Ulbright, to divide the question. Upon voice vote, motion carried unanimously.

Ms. Knapic moved, seconded by Mr. Sanders, to adopt Ord. No. 2014-24(A). Upon roll call, motion to adopt carried by a vote of five to one, with Mr. Myers casting the dissenting vote (Ansel-yes; Knapic-yes; Myers-no; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Sanders, to adopt Ord. No. 2014-24(B). Ms. Knapic stated approval of this legislation would change Public Safety, Health, and Utility Facilities from a conditional to a permitted use in residential zoning districts, which the Planning Commission recommended not to approve.

Mr. Ulbright sought clarification that a 'yes' vote would change the use from conditional to permitted and a 'no' vote would agree with the Planning Commission and say no to that change. Mr. Buytendyk said that was correct.

Ms. Knapic commended the residents who have attended the meetings on this issue and spent their time getting involved in the local government. Ms. Knapic stated their commitment has pushed her, and likely other council members, to learn more about this issue. Ms. Knapic stated she has never seen as much public discussion about an issue during her time on city council. Ms. Knapic clarified that council did not reject this issue outright when it was brought forward last year. She said she tabled it to provide more time to gather information based on the public input and comments. Ms. Knapic emphasized she believes there is no hidden agenda that she can find other than the best interest of the citizens. Ms. Knapic stated the only hidden agenda she has found is in reference to a resident who has been vocal in his opposition to the zoning code changes and who solicited a telecommunications company to have a cell tower placed on property that he owns and not for free. Mr. Buytendyk called for order after several audience members interrupted Ms. Knapic. Ms. Knapic continued to say she understands concerns over what goes into a neighborhood because a half-way house for former drug addicts and criminals has been approved in her ward. Ms. Knapic also stated that it does not make sense financially, or from an administration standpoint, to place water towers and communications towers throughout the city willy-nilly. Ms. Knapic also stated the current zoning code language was researched and no discussion was found regarding the reasoning behind the wording of the zoning ordinance. Ms. Knapic also responded to claims the city was requesting the zoning code changes in response to lawsuits. She stated she does not believe that a single resident should be able to hold up the building of a needed city facility because they can file a lawsuit. Ms. Knapic said she understands it is the right of the citizens to do so; however, the lawsuits cost the city a great deal of money that could otherwise have been spent for the overall good. Ms. Knapic stated the city government is tasked with working for the greater good. Ms. Knapic also stated Mr. Silvestri asked if she would hold another committee meeting to work on a compromise. Ms. Knapic commended him for his concern, though she chose not to hold a meeting because she believes both sides have said everything there is to say on the subject many times over. Ms. Knapic also stated she would prefer a compromise to be struck earlier in this type of process and not at the last minute as it does not allow for appropriate deliberation. Ms. Knapic stated she considered not voting on this legislation tonight because she did not want to go against the recommendation of the Planning Commission, which she said she believes is a valid reason and she appreciates the work they do. Ms. Knapic said she will vote her conscience and for the good of the city overall and she believes it is what she was elected to do.

Mr. Myers stated he wants to support the Planning Commission and Andrew Dutton for the hard work they have put into the changes. Mr. Myers said he has met with Mr. Dutton, a variety of community members, and fellow council members. Mr. Myers stated he would not support this legislation and would vote no. Mr. Myers said he thought the separation of the proposed changes into three parts was suspect in

timing, though he does not think the city has any ulterior motive or agenda. Mr. Myers stated transparency and more openness of communication would be in the best interest of all.

Mr. Ulbright said he was glad the audience respected Mr. Myers' comments and did not interrupt him. Mr. Ulbright stated he believed it was disrespectful of the audience to murmur and interrupt when Ms. Knapic was speaking. Mr. Ulbright also stated he would not support this legislation and would vote in accordance with the recommendation of the Planning Commission because he would rather have the city err on the side of giving the citizens absolute opportunity to voice their opinion. Mr. Ulbright said he disagrees with some of the conclusions arrived at by members of the audience. Mr. Ulbright said he does not believe the city has any hidden agenda and his reason for voting against this legislation is to retain the guarantees provided by the conditional use language that may not be guaranteed if it is changed to permitted use. Mr. Ulbright added that he hopes the plans for a fire station, and perhaps a police station, go through and would hate to see it wind up in court and have one person responsible for derailing it. Mr. Ulbright said he hopes the city can provide an airtight argument for maintaining the location at the north end properties because it will serve the best interests of all 26,000 plus people. Mr. Ulbright also addressed an earlier comment from the audience claiming a lack of research on the part of the city. Mr. Ulbright said he has seen the research from the study for the location of a new fire station that was conducted and it is several inches thick. Mr. Ulbright said a third-party firm spent months researching all of the possible sites, so the idea the city is a knee-jerk operation is untrue and unfounded.

Mr. Silvestri asked if the legislation before council included a review in front of city council before going to the Planning Commission. Mr. Montgomery said the proposal to which Mr. Silvestri is referring is a recommendation to add an additional public hearing before city council. Mr. Montgomery also said any city facility project would also have the opportunity to review the projects at budget time, would hear it again when the specific expenditure was being proposed, and possibly another time if the city was working with a consultant who is working on a design. Mr. Montgomery said the city had made an additional proposal to the Planning Commission to add another public hearing before city council that would also include notifications to everyone within 200 feet of the proposed facility. Mr. Benson said what is before council is what was proposed by the administration to the Planning Commission that the Planning Commission voted on. Mr. Benson also noted the legislation before council clearly states the Planning Commission voted not to approve.

Upon roll call, motion to adopt failed by a vote of two to four (Ansel-no; Knapic-yes; Myers-no; Sanders-yes; Silvestri-no; and Ulbright-no).

Mr. Buytendyk stated this was the first time he had to use the gavel. He noted everyone had an opportunity to speak without being interrupted, even though many went beyond two minutes. Mr. Buytendyk said he agreed with Mr. Ulbright's comments. He said he appreciates people coming and speaking their mind; however, council members should receive the same respect the people in the audience were given.

Ms. Knapic stated the next piece of part of the legislation will include the proposed zoning code amendments changing the allowable time temporary signs may be displayed from four times per year, not exceeding 30 days per occurrence to two times per year, not exceeding 45 days per occurrence. Ms. Knapic noted the Planning Commission voted not to recommend the changes.

Ms. Knapic moved, seconded by Mr. Sanders, to adopt Ord. No. 2014-24(C). Upon roll call, motion to adopt failed by a vote of two to four (Ansel-no; Knapic-yes; Myers-no; Sanders-yes; Silvestri-no; and Ulbright-no).

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2014-64 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2014 (Cavin)

Mr. Sanders presented the legislation in Mr. Cavin's absence. Mr. Sanders said the purchase of a new pickup truck for the police department is a budgeted item. Mr. Sanders said the vehicle it is to replace is a 1998 Dodge pickup that is beyond its useful life. Mr. Sanders said the truck is used to move and place the speed trailer, haul ammunition and supplies to the range, haul signs for major events, and collection of large items of evidence. Mr. Sanders said quotes were solicited from area dealers and Spurgeon Chevrolet submitted the lowest quote of \$22,625. Mr. Sanders also noted the quote was also below the state bid price.

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

VIII. EXECUTIVE SESSION TO DISCUSS MATTERS OF PENDING LITIGATION

Mr. Ulbright moved, seconded by Ms. Knapic, to go into executive session to discuss pending and existing litigation. Upon roll call, motion carried unanimously (Ansel-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

Mr. Ansel moved, seconded by Ms. Knapic, to reconvene from executive session. Upon roll call, motion to adopt carried by a vote of 5 to 1, with Mr. Myers casting the dissenting vote (Ansel-yes; Knapic-yes; Myers-no; Sanders-yes; Silvestri-yes; and Ulbright-yes).

IX. MISCELLANEOUS

Mr. Sanders reminded council members they have been invited to a tour and open house at the city's Water Pollution Control facility by quasar on Monday, November 3, 2014 at 5:30pm.

Mr. Silvestri thanked the public for attending the meeting and the administration for all of the work that had gone into the proposed zoning code changes. Mr. Silvestri also wanted to calm any fears of residents in his ward regarding the color of the water tower on Melrose Drive that it will not be red and white striped.

Mr. Ansel announced that council has received the joint application for distribution of economic development funds. Mr. Ansel said he would be reviewing it and returning it to city hall for anyone else that would like to review the application.

Ms. Knapic thanked the citizens who attended the meeting and wished to encourage more citizens to get involved and to participate in local government. She noted city council governs well because they govern for the people of the city of Wooster. Ms. Knapic stated everyone could see democracy at work during the meeting and she also thanked the city administration for their hard work.

Mr. Myers wished to thank the public for coming to express their opinions and stated their input is valued and appreciated. Mr. Myers also wished to thank the city administration and Mr. Dutton for all of the work they do and for what they were trying to accomplish in the best interests of the citizens. Mr. Myers said if there is any issue of distrust, he believes it is due to a lack of transparency and information being shared and he does not believe there to be any hidden agenda. Mr. Myers said he is confident the city administration is doing their very best to do what they think is for the betterment of the city of Wooster. Mr. Myers also thanked the parks and recreation department employees for making a presentation at the committee meeting held earlier in the evening and said they did a very nice job of letting the committee know where they were going, where they've been with parks and recreation, and where they are going in the future.

Mr. Buytendyk stated he thought Ms. Knapic's words were poignant, appropriate, and, for the most part, probably represented what most everyone on council strives to do. Mr. Buytendyk said he appreciates Ms. Knapic for taking on what was an oppositional crowd and was sorry she did not receive the same respect she had given them. He said he thought she conducted herself with great poise and aplomb. Mr. Buytendyk also wished to recognize Sergeant Victor Nedoma, who overcame great obstacles to return as

an active police officer for the Wooster police department. Mr. Buytendyk said he considers Sergeant Nedoma a hero because he could have easily quit, collected disability, and gone on with his life. However, he persevered, worked through multiple surgeries and pain, so he could come back and serve the city he loves.

X. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Myers, to adjourn. Motion carried and meeting so adjourned at 9:15 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council