

WOOSTER CITY COUNCIL MINUTES

9/7/2021

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 7:30 p.m. Lynne DePaulo, Council Clerk, called roll with the following members present; Craig Sanders, Jennifer Warden, David Silvestri, Mark Cavin, Bill Bostancic, Jon Ansel and Scott Myers. City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Finance Director Andrei Dordea and Law Director John Scavelli.

II. APPROVAL OF MINUTES

Councilman Silvestri moved to approve the minutes of the August 11, 2021 special meeting, seconded by Councilman Sanders. Upon voice vote, the minutes were approved unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman reviewed the two special meetings that were held over the summer.

Mayor Breneman spoke on several recent events such as Taste of Downtown and the General Wooster dedication. He also mentioned that the old Rubbermaid store is being renovated and will be occupied by Ace Hardware.

Mayor Breneman discussed the census numbers and how Wayne County and the City of Wooster both showed increases in population. City Council can make the decision on how the population increase affects the wards and whether to change the ward boundaries.

Wooster Hospital has daily updated COVID information on their website, woosterhospital.org. Look for the red COVID-19 tab at the top of the page.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Councilman Ansel motioned to waive the Liquor Control Hearing for Bob Evans Restaurants LLC, seconded by Councilman Myers. Upon roll-call, the motion passed 7-0. (Ansel-yes, Bostancic – yes, Cavin – yes, Myers – yes, Sanders – yes, Silvestri – yes, Warden – yes)

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Councilman Sanders opened the public hearing for rezoning of 3146 Oak Hill Road. Attorney Doug Drushal, 225 N. Market Street, spoke in support of the rezoning application. He explained how the lot dimensions were different for R2 zoning which would help with this particular development. Samira Zimmerly, Wooster Chamber of Commerce 377 W. Liberty Street, spoke in support of the rezoning. The development will fulfill the housing needs in the community. Councilman Sanders asked if anyone would like to speak that opposes the rezoning. Michelle Neely, 2718 Monterey Street, questioned if there had been a traffic study done. Mr. Montgomery said it is a requirement for the planning application. She asked for the differences to be explained between R1 and R2 zoning. Councilman Sanders explained the difference between the two zonings. She also questioned how many entrances/exits the development would have. Phase 1 will have one entrance/exit on Oak Hill Road. Councilman Sanders closed the public hearing on 3146 Oak Hill Road.

Councilman Sanders opened the public hearing for the three parcels, Glenn Avenue, Wood Street and West Larwill. Attorney Matt Long, 225 N. Market Street, explained how FNB had purchased the old Swift Auto Parts store with the desire to redevelop the property. Rezoning to C2 will allow the property to be redeveloped for productive use and supports retail activity. The zoning code acts in residents' best interest by requiring buffering and zoning. Councilman Sanders asked if anyone wanted to speak opposing the rezoning. No one came forward. Councilman Sanders closed the public hearing.

VI. UNFINISHED BUSINESS - NONE

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2021-26
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO AMEND THE ZONING MAP AT CERTAIN PARCELS ON OAK HILL ROAD (Sanders)

Councilman Sanders said the public hearing was complete. This legislation is to rezone 41.44 acres at 3146 Oak Hill Road to R2 allowing for higher density on the property. It was unanimously approved by the Planning Commission. Councilman Bostancic asked what the price range would be for the housing. Mr. Starlin said the range would be from \$235,000 to mid \$300,000's. Councilwoman Warden is concerned about additional services, emergency vehicles and about traffic. Councilman Cavin is concerned about the density levels and doesn't want to set a precedent. Councilman Sanders stated that the city already has R2 developments established in the city. Councilman Bostancic likes the density; it controls sprawl. Most current developments are moving to having denser areas. President Buytendyk reminded council this legislation is for rezoning, they need to consider whether it meets the requirements for rezoning, not about the planned development. Councilman Silvestri said the fundamental difference between R1 and R2 was the size of the lot. R1 has 70' frontage requirement, R2 has 50' frontage requirement. This development averages 60' frontage and makes the lots more affordable.

Councilman Sanders motioned to suspend, seconded by Councilman Ansel. Upon roll call, motion to suspend failed 5-2 (Bostancic-yes; Warden – no; Silvestri – yes; Myers – yes; Cavin – no; Sanders – yes; Ansel-yes)

The legislation is considered to have its first reading.

2. First Reading – ORDINANCE NO. 2021-27
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO REZONE LAND TO C-2 (COMMUNITY COMMERCIAL), FOR PROPERTY LOCATED ON GLENN AVENUE (Sanders)

Councilman Sanders stated the public hearing was complete. There are three parcels, each having their own piece of legislation. The rezoning will help with development of the existing C2 property. Councilman Cavin asked who owned the property. FNB is the current owner who bought it to redevelop. The property abuts commercial property.

Councilman Sanders motioned to suspend the rules, seconded by Councilman Silvestri. Upon roll call, motion to suspend passed 6-1 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – no; Sanders – yes; Ansel-yes)

Councilman Sanders moved to adopt the legislation, seconded by Councilman Myers. Upon roll call, motion to adopt passed 7-0. (Bostancic – yes, Cavin – yes, Myers – yes, Sanders – yes, Silvestri – yes, Warden – yes, Ansel-yes)

3. First Reading – ORDINANCE NO. 2021-28
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO REZONE LAND TO C-2 (COMMUNITY COMMERCIAL), FOR PROPERTY LOCATED ON WOOD STREET (Sanders)

Councilman Sanders said this is the second parcel out of three.

Councilman Sanders motioned to suspend the rules, seconded by Councilman Silvestri. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilman Sanders motioned to adopt, seconded by Councilman Ansel. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

4. First Reading – ORDINANCE NO. 2021-29
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO REZONE LAND TO C-2 (COMMUNITY COMMERCIAL), FOR PROPERTY LOCATED ON WEST LARWILL STREET (Sanders)

Councilman Sanders said this is the third out of the three parcels up for rezoning.

Councilman Sanders motioned to suspend the rules, seconded by Councilman Myers. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilman Sanders motioned to adopt, seconded by Councilman Silvestri. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

5. First Reading – RESOLUTION NO. 2021-39
A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE OHIO ATTORNEY GENERAL’S OFFICE, AND ALLOWING FOR IMMEDIATE ENACTMENT (Cavin)

Councilman Cavin said this grant provides for reimbursement of 75% of the cost for the bulletproof vests.

Councilman Cavin motioned to suspend the rules, seconded by Councilman Myers. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilman Cavin motioned to adopt, seconded by Councilwoman Warden. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

6. First Reading – RESOLUTION NO. 2021-40
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE TWO FORD INTERCEPTORS FOR USE AS POLICE CRUISERS (Cavin)

Councilman Cavin said this is part of the regular rotation of police cruisers. These new vehicles are replacing a Crown Victoria and a Chevy Caprice. It is a budgeted item.

Councilman Cavin motioned to adopt, seconded by Councilman Bostancic. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

7. First Reading – RESOLUTION NO. 2021-41
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH PROTECH FOR SCADA TECHNOLOGY IMPROVEMENTS AND SERVICES FOR WATER AND WASTEWATER TREATMENT FACILITIES AND ALLOWING FOR IMMEDIATE ENACTMENT (Silvestri)

Councilman Silvestri stated this equipment is a central piece to managing flows in the system. This upgrade is necessary for both software and hardware. It is a budgeted item.

Councilman Silvestri motioned to adopt, seconded by Councilman Sanders. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

8. First Reading – RESOLUTION NO. 2021-42
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR MOWING, DEBRIS REMOVAL, DUMPSTER REPAIRS, PROPERTY MAINTENANCE, AND OTHER CLEAN-UP SERVICES WITH JIMMY’S MAINTENANCE AND LAWN CARE AND ALLOWING FOR IMMEDIATE ENACTMENT (Warden)

Councilwoman Warden said this legislation is due to the cost of the work for all divisions is over the \$50,000 limit so needs approval of city council. She is concerned because the owner of Jimmy's has zoning violations. Planning and Zoning Manager, Andrew Dutton, said that the owner applied and was approved for a home use zoning certificate and is in compliance with code. Mr. Montgomery explained why this legislation needs to be passed. The cumulative amount is over \$50,000 so all the services that Jimmy's is currently providing will stop if council does not approve. Councilwoman Warden is concerned Jimmy won't remain compliant. Mr. Monea, Building Standard Manager, agrees that the city doesn't want to do business with a company that doesn't comply with the rules. However, as soon as Mr. Monea receives a complaint about Jimmy's and let's Jimmy's know, the issued is resolved. Jimmy fixes the violations immediately and has invested a lot of money into the community along with being available and easy to work with. Mr. Monea is unaware of any violations on any of Jimmys properties at this time. Councilman Cavin wonders if we shouldn't increase our PPM staff so they can handle these services. Mayor Breneman says he doesn't believe this is an option, and would not want to increase the city budget. Councilman Bostancic said this legislation will just enable Jimmy's to continue providing services to the city through the end of the year and feels the legislation should be passed. Councilman Sanders does not entirely disagree with Councilwoman Warden. The city needs to do a better job monitoring contractors. This is a budgeted item.

Councilwoman Warden motioned to adopt, seconded by Councilman Myers. Upon roll call, motion to adopt passed 5-2 (Bostancic-yes; Warden – no; Silvestri – yes; Myers – yes; Cavin – no; Sanders – yes; Ansel-yes)

9. First Reading – RESOLUTION NO. 2021-43
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR WELDING SERVICES WITH MCCUNE WELDING AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)

Councilman Ansel said this legislation is similar to the previous piece in that multiple divisions have used McCune Welding for different projects. The cost is approaching the \$50,000 threshold. It is a budgeted item.

Councilman Ansel motioned to adopt, seconded by Councilman Silvestri. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

10. First Reading – RESOLUTION NO. 2021-44
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR PREVENTATIVE MAINTENANCE WORK FOR PAVED SERVICES AND ALLOWING FOR IMMEDIATE ENACTMENT (Warden)

Councilwoman Warden said this another contractor that is approaching the \$50,000 threshold. Crites & Son Paving has been providing cracking sealing and coating to roadways. The city is happy with their work and the services could be \$70,000 by the end of the year. It is a budgeted item.

Councilwoman Warden motioned to adopt, seconded by Councilman Bostancic. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

11. First Reading – RESOLUTION NO. 2021-45
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUTUAL TERMINATION AGREEMENT WITH BRASFOND USA CORP FOR CRA INCENTIVES PERMITTED THROUGH ORDINANCE NO. 2012-10 FOR IMMEDIATE ENACTMENT (Ansel)

Councilman Ansel said council should be familiar with Brasfond since they first came before city council in 2012. He reviewed the history of Brasfond beginning in 2013 with \$800,000 expansion invested and 11 employees. With the economic downturn, Brasfond is now down to one employee and is just maintaining the facility. Mr. Millea, Economic Coordinator, said that Brasfond is the one asking for the termination and reminded council that it is the Tax Incentive Review Commission that reviews the programs. Mr. Montgomery said that Brasfond has

only been non-compliant for the past two years and last year was the first year they appeared on the radar for being non-compliant. Councilman Ansel reminded council that it is council's decision for each and every CRA.

Councilman Ansel motioned to suspend the rules, seconded by Councilman Silvestri. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilman Ansel motioned to adopt, seconded by Councilman Myers. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

12. First Reading – RESOLUTION NO. 2021-46

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Ansel)

Councilman Ansel reviewed the projected millage and said this is an annual legislative request.

Councilman Ansel motioned to suspend the rules, seconded by Councilman Silvestri. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilman Ansel motioned to adopt, seconded by Councilwoman Warden. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

13. First Reading – ORDINANCE NO. 2021-30

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)

Councilman Ansel stated these are unanticipated funds that need appropriated. The city will be receiving two separate payments, one each year for the next two years, from the federal government as part of the ARPA program.

Councilman Ansel motioned to suspend the rules, seconded by Councilman Cavin. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilman Ansel motioned to adopt, seconded by Councilman Cavin. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

14. First Reading – ORDINANCE NO. 2021-31

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE WAYNE CENTER FOR THE ARTS AND ALLOWING FOR IMMEDIATE ENACTMENT (Warden)

Councilwoman Warden said this is an exciting ordinance. The city will transfer land to the Wayne Center for the Arts in order for them to expand their facilities. WCA has received a \$375,000 grant to pay for the improvements and expansion.

Councilwoman Warden motioned to suspend the rules, seconded by Councilman Cavin. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilwoman Warden motioned to adopt, seconded by Councilman Cavin. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

15. First Reading – ORDINANCE NO. 2021-32

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE OF REAL ESTATE AND AN OPTION TO AQUIRE PROPERTY THROUGH LAND EXCHANGE AND PROVIDING FOR IMMEDIATE ENACTMENT (Warden)

Councilwoman Warden said this land transfer is a nod to future expansion on East Liberty Street and will develop additional parking for the area.

Councilwoman Warden motioned to suspend the rules, seconded by Councilman Silvestri. Upon roll call, motion to suspend passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

Councilwoman Warden motioned to adopt, seconded by Councilman Silvestri. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

16. First Reading - RESOLUTION NO. 2021-47

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED PRIOR TO THE FISCAL OFFICER’S CERTIFICATION OF AVAILABILITY OF FUNDS AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)

Councilman Ansel said this legislation will authorize the Finance Division to pay for lawn mowing services that have been provided this summer, but funding was not encumbered. It is a budgeted item.

Councilman Ansel motioned to adopt, seconded by Councilman Myers. Upon roll call, motion to adopt passed 7-0 (Bostancic-yes; Warden – yes; Silvestri – yes; Myers – yes; Cavin – yes; Sanders – yes; Ansel-yes)

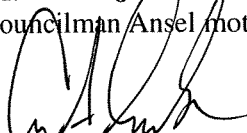
VII. MISCELLANEOUS –

The following citizens addressed City Council on various topics:

Desiree Weber, 124 E. Liberty Street, Wooster


IX. ADJOURNMENT

Councilman Ansel motioned to adjourn, seconded by Councilman Myers. The meeting adjourned at 9:35 p.m.



Michael G. Buytendyk
President of Council
Acting

9-20-21
CRAIG SANDERS



Lynne DePaulo
Clerk of Council