City of Hudson, Ohio

Meeting Minutes - Final

City Council

David A. Basil
City Council President (Ward 2)
Hamilton DeSaussure, Jr.
City Council Member (At-Large)
John W. Jeffers
City Council Member (Ward 4)
J. Daniel Williams
City Council Member (At-Large)

November 07, 2012

Town Hall, 7:30 PM

William A. Currin
Mayor
Dennis N. Hanink
City Council Member (Ward 1)
Alex D. Kelemen
City Council Member (Ward 3)
William D. Wooldredge
City Council Member (At-Large)

Anthony J. Bales, *City Manager* **R. Todd Hunt,** *City Solicitor* **Elizabeth Slagle,** *Clerk of Council*

1. Call to Order

Mayor Currin called to order the meeting of Hudson City Council at 7:30 p.m.

2. Pledge of Allegiance to the Flag

3. Roll Call

Mayor Currin congratulated the City of Hudson on the passage of Issue 19, and he thanked citizens for approving the Charter amendment. He also congratulated the Hudson City School District on a successful campaign for the permanent improvement fund renewal levy, and he thanked citizens for supporting this issue, as well.

Mayor Currin read a November 6, 2012, e-mail from Mrs. Leslie Polott, Executive Director of the Hudson Library and Historical Society, announcing that the library has been selected again as an American Library Association Star Library, a coveted national professional award that recognizes outstanding, innovative, and high-quality service. He congratulated citizens, the Hudson Library and Historical Society, the Board of Trustees, Staff and the Executive Director on this outstanding achievement.

Present: 6 - Mr. Basil, Mr. DeSaussure, Mr. Hanink, Mr. Kelemen, Dr. Williams and Mr. Wooldredge

Absent: 1 - Mr. Jeffers

Staff in Attendance: Mr. Bales, City Manager; Mr. Hunt, City Solicitor; Mr. Schroyer, Assistant City Manager; Mr. Knoblauch, Finance Director; Mr. Richardson, Interim Community Development Director; Ms. Roberts, Communications Manager; Mr. Sheridan, City Engineer; Mrs. Slagle, Clerk of Council; Mr. Wiedie, Economic Development Director.

4. Approval of the Minutes

Regular Meetings on September 5, October 3 and October 17, 2012; and Workshop Meetings on October 9 and October 23, 2012.

The minutes were approved as submitted.

5. Public Hearings

A. 12-127

AN ORDINANCE AMENDING PART TWELVE OF THE ORDINANCES OF HUDSON TO AMEND THE OFFICIAL ZONING DISTRICT MAP TO REZONE PART OF 5715, 5735 AND 5751 DARROW ROAD FROM DISTRICT 3, OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD ZONE, TO DISTRICT 7, OUTER VILLAGE COMMERCIAL CORRIDOR

Executive Summary: This matter concerns the requirement for City Council to conduct three readings, conduct a public hearing, and take final action on an Ordinance to rezone part of the former Clarke Ford property from District 3 to District 7. A public hearing has been scheduled for November 7, 2012.

Sponsors: Mayor Currin

Attachments:
Existing and Proposed Zoning
Current Site Plan
PC Referral to City Council 8-13-12
PC Recommendation 9-10-12
PC Decision 10-8-12
Ord. No. 12-127
O 12-127 Amend Zoning Map re 5715 5735 and 5751 Darrow Rd (01267985-2) am

Mr. Hartford Harding, 1510 Barlow Road, said that he and his wife own property and live directly adjacent to the wooded area proposed as a conservation easement. He said that they would be severely impacted by changes to the wooded area, he was adamantly opposed to expansion of the commercial zoning beyond the wooded area, and he supported a conservation easement in perpetuity.

Mrs. Sharon Butina, 1431 Winchell Drive, recalled being devastated upon hearing of the proposed rezoning and upset thinking of its impacts of property depreciation and lowered quality of life for her family. She said she considered selling her home and moving, but she was encouraged by discussions among residents, City officials and Collection Auto Group representatives. She was supportive of the dealership and looked forward to the business being a long-time neighbor, but she said that residents seek a permanent conservation easement, and she asked for Council's support. She was opposed to the proposed rezoning request and asked that Council table Ordinance No. 12-127 to provide more time for the involved parties to reach an agreeable solution.

Mr. Robert Schwieterman, 5732 Argyle Drive, said he lives just north of the subject property. While he was glad that Collection Auto Group has chosen to locate in Hudson, he felt that if the zoning request is approved, the conservation easement should be made permanent to prevent future changes in use and should measure one hundred feet to protect surrounding residential properties.

Mr. Richard Kelley, 1439 Winchell Drive, thanked City Council members for spending the time to consider residents' input and thanked Collection Auto Group officials. He said that Mr. Bernie Moreno is not the typical car guy, and neighbors look forward to the business coming to town. In the spirit of cooperation, he recognized the open dialog and common though slightly different interests among residents, the business, and the City. He said that area residents are willing to collaborate as long as there are assurances of a permanent conservation easement. He acknowledged Land Development Code set-back requirements for dealership and service center uses. He said that the goal of residents is to minimize the impact to their property values, and he encouraged continued dialog with residents. He said that Collection Auto Group has started Phase 1 under current zoning with an applicable variance. As the proposed zoning change applies only to Phase 2, he asked that Council table Ordinance No. 12-127.

A public hearing was held.

6. Public Comments

None.

7. Correspondence and Council Comments

Mr. Basil thanked Mr. Sheridan for participating in the Ward 2 Open Forum on October 30, 2012.

Mr. Basil said that there are a number of volunteer opportunities for residents to serve on various meeting bodies, including the Board of Zoning & Building Appeals, Cable TV Advisory Committee, Cemetery Board, Environmental Awareness Committee, Golf Advisory Board, Park Board, Personnel Advisory & Appeals Board, and Planning Commission. He encouraged interested citizens to apply on line or contact the Clerk of Council.

Mr. Basil addressed citizen comments made during the public hearing for Ordinance No. 12-127. He said that City Council has strived to keep communications open throughout the process. He asked that Resolution No. 12-148 be introduced and read tonight with the intent of recognizing and addressing the residents' concerns regarding permanency of the conservation easement and to provide that any easement change would be subject to approval of the abutting landowners. He said that copies will be made available to residents.

Mr. DeSaussure said that Resolution No. 12-148 addresses resident concerns by providing the ability for four out of six residents to stop the termination of the conservation easement. He explained that a conservation easement is an agreement and can be changed by definition upon the agreement of the parties, and that dynamic has not changed. He felt that the proposed language is very generous, and while he understood the concerns of residents, he said that Collection Auto Group has been extremely accommodating. He said that Council must act on the rezoning request, Ordinance No. 12-127.

Dr. Williams agreed with Mr. DeSaussure and read from Resolution No. 12-148, Exhibit A, Deed on Conservation Easement, Section 17 regarding Termination/Amendment. He noted that this language gives the six abutting property owners control of termination of the easement. He felt that Collection Auto Group has been very accommodating. He said that with this change, he was very comfortable that everyone will benefit.

Mr. Kelemen inquired of the process for action on Resolution No. 12-148. Mayor Currin explained that the Resolution will be given a first reading tonight, and a Council member could motion to suspend and pass this legislation. Mr. Hunt explained that Resolution 12-148 and the conservation easement is tied to the Site Plan. He said that Ordinance No.

12-127 is actionable tonight.

Mr. Basil agreed that Collection Auto Group has worked remarkably well to be accommodating. He asked if Council has the ability to table Ordinance 12-127, and Mr. Richardson said that Council must take action within 20 days of public hearing. Mr. Hunt added that an extension can be granted by the applicant. Mr. Basil said that he intends to table Ordinance No. 12-127 until the November 19, 2012, meeting.

Mr. Wooldredge agreed with Mr. DeSaussure and felt that Collection Auto Group has been very accommodating. He said he wants the dealership to succeed and was pleased that they have chosen to locate in Hudson. He felt that proposed Resolution 12-148 provides the assurance sought by residents.

Mr. Hanink voiced appreciation to City electric crews for keeping the lights on. In light of recent storm damage, he felt that Hudson residents were very fortunate compared to residents elsewhere. Mayor Currin agreed, noting that Hudson fared much better due to the City's emergency planning and investments in infrastructure. In addition, he said that City crews provided assistance in mutual aid situations.

8. Report of Manager

Mr. Bales thanked the Mayor and Mr. Hanink for their comments, and he said that Mr. Schroyer was responsible for management planning and response to the recent storm.

Regarding Resolution 12-148, Mr. Bales said that he had e-mailed the Deed of Conservation Easement to Mr. Kelley, and he asked that Mr. Kelley distribute the document to his neighbors. In addition, residents may obtain copies from the Clerk.

Mr. Bales reminded Council members of the special workshop meetings scheduled to discuss the Five-Year Plan and the 2013 Budget, the first of which is scheduled on November 14, 2012.

Mr. Bales requested an executive session at the end of the meeting to discuss contract negotiations and imminent court action.

9. Suspension of Rules for the Consent Agenda

A motion was made by Mr. Basil, seconded by Mr. Wooldredge, to suspend the rules as provided in Section 220.03 of the Codified Ordinances. The motion carried by the following vote:

Aye: 6 - Mr. Basil, Mr. DeSaussure, Mr. Hanink, Mr. Kelemen, Dr. Williams and Mr. Wooldredge

Approval of the Consent Agenda

A motion was made by Mr. Basil, seconded by Mr. Wooldredge, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mr. DeSaussure, Mr. Hanink, Mr. Kelemen, Dr. Williams, Mr. Wooldredge and Mr. Basil

A. Finance 2012-09

Motion to acknowledge the timely receipt of Monthly Financial Reports for January - September, 2012

Executive Summary: The financial summaries are provided each month for

Council's review.

Attachments: January 2012 Financial Report
February 2012 Financial Report
March 2012 Financial Report
April 2012 Financial Report
May 2012 Financial Report
June 2012 Financial Report
July 2012 Financial Report
August 2012 Financial Report
September 2012 Financial Report

City Council acknowledged receipt of these Monthly Financial Reports.

B. Permit 80036070055

Permit to Sell Alcoholic Beverages/Objections

Executive Summary: The City is in receipt of a notice dated 10/01/2012 from the Division of Liquor Control concerning our opportunity to request a hearing regarding the transfer of a liquor permit from FRANCHISE USA LLC, DBA EASY TRIP 1114, to 7 ELEVEN, INC., DBA 7 ELEVEN 36209, 27 S. Main Street.

Attachments: Notice to Legislative Authority

The Clerk was instructed to return the notice to the Ohio Division of Liquor Control, indicating that Council did not request a hearing on the permit application.

C. 12-143

AN ORDINANCE AMENDING ORDINANCE NO. 11-139 MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HUDSON DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012 BY MAKING ADDITIONAL AND/OR AMENDED APPROPRIATIONS RELATED TO THE THIRD QUARTER OF 2012.

Executive Summary: This Ordinance will amend appropriations for the 3rd quarter of 2012. The summary of requests is provided in Exhibit A.

Sponsors: Mayor Currin

Attachments: Exhibit A - 3rd Q Approp 2012
Ord. No. 12-143

This Ordinance was adopted by suspending the rules.

D. 12-144

A RESOLUTION AUTHORIZING THE CITY MANGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRASPORTATION FOR THE STATE ROUTE 303 RESURFACING PROJECT; AND DECLARING AN EMERGENCY

Executive Summary: This project includes the resurfacing and miscellaneous improvements on SR 303 (Streetsboro Road) within the City of Hudson. The project is being sponsored, designed, managed and inspected by the Ohio Department of Transportation-District 4 office. As part of this agreement, the City is required to participate on the 5 mile project with an estimated amount of

$331,368.00. ODOT requires an agreement outlining this financial commitment with the City prior to finalizing the project for bidding and construction. The project is estimated by ODOT to take 6-7 weeks.

Sponsors: Mayor Currin

Attachments: Res. No. 12-144

This Resolution was adopted by suspending the rules.

E. 12-145 **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ACG, INC. FOR SOFTWARE AND PROFESSIONAL SERVICES FOR THE CITY'S HUMAN RESOURCES FUNCTIONS; AND DECLARING AN EMERGENCY**

Executive Summary: This is a request to purchase software to implement the City's Human Resource Management System (HRMS). The software will integrate with our current payroll system and provide a significant improvement in providing service to our employees, volunteers and managers as well as help ensure compliance with state and federal laws. The name of the software is entitled ABRA, which was developed by Sage Inc and would be purchased through ACG, Inc.

Sponsors: Mayor Currin

Attachments: Sage HRMS Cost Estimate

Res. No. 12-145

This Resolution was adopted by suspending the rules.

F. 12-146 **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUMMACARE FOR CERTAIN HEALTH BENEFIT PLAN SERVICES; AND DECLARING AN EMERGENCY**

Sponsors: Mayor Currin

Attachments: 2013 Health Insurance Memo

Res. No. 12-146

This Resolution was adopted by suspending the rules.

G. 12-147 **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL CONTRACT WITH KLAIS & COMPANY, INC. TO PROVIDE CERTAIN HEALTH BENEFIT PLAN ADMINISTRATIVE SERVICES; AND DECLARING AN EMERGENCY.**

Sponsors: Mayor Currin

Attachments: Res. No. 12-147

This Resolution was adopted by suspending the rules.

10. Legislation

A. 12-127 **AN ORDINANCE AMENDING PART TWELVE OF THE ORDINANCES OF HUDSON TO AMEND THE OFFICIAL ZONING DISTRICT MAP TO REZONE PART OF 5715, 5735 AND 5751 DARROW ROAD FROM DISTRICT 3, OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD ZONE, TO DISTRICT 7, OUTER VILLAGE COMMERCIAL CORRIDOR**

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Attachments: Existing and Proposed Zoning

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PC Recommendation 9-10-12

PC Decision 10-8-12

Ord. No. 12-127

O 12-127 Amend Zoning Map re 5715 5735 and 5751 Darrow Rd (01267985-2) am

Fourth Reading.

A motion was made by Mr. Basil, seconded by Dr. Williams, that this Ordinance be tabled until November 19, 2012. The motion carried by the following vote:

Aye: 6 - Mr. Hanink, Mr. Kelemen, Dr. Williams, Mr. Wooldredge, Mr. Basil and Mr. DeSaussure

B. 12-148 **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF CONSERVATION EASEMENT RELATED TO PROPERTY AT OR ABOUT 5715 AND 5735 DARROW ROAD, HUDSON.**

Sponsors: Mr. Basil

Attachments: Res. No. 12-148

First Reading.

11. Executive Session

Mayor Currin recessed the meeting at 8:20 p.m.

A motion was made by Mr. Basil, seconded by Mr. Wooldredge, to go into Executive Session to discuss contract negotiations and imminent court action. The motion carried by the following vote:

Aye: 6 - Mr. Kelemen, Dr. Williams, Mr. Wooldredge, Mr. Basil, Mr. DeSaussure and Mr. Hanink

Mayor Currin reconvened the regular meeting at 9:05 p.m.

A motion was made by Mr. Basil, seconded by Mr. Wooldredge, to go out of Executive Session and into the regular meeting. The motion carried by the following vote:

Aye: 6 - Dr. Williams, Mr. Wooldredge, Mr. Basil, Mr. DeSaussure, Mr. Hanink and Mr. Kelemen

12. Adjournment

There being no further business, Mayor Currin adjourned the Council meeting at 9:05 p.m.

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William A. Currin, Mayor

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Elizabeth Slagle, Clerk of Council