

MINUTES
Wyoming City Council
August 16, 2021

The Wyoming City Council met in regular session on August 16, 2021 at 7:00 p.m. in the Council Chambers of the Wyoming Municipal Building. Mayor Hoffmeister called the meeting to order. In attendance were:

Council Members:

Thaddeus Hoffmeister, Mayor
Al Delgado
Jeff LeRoy
Jim O'Reilly
Sarah Stankorb Taylor

Others:

Rusty Herzog, City Manager
Emily Supinger, City Solicitor

APPROVAL OF CONSENT AGENDA:

Mr. O'Reilly moved to approve the Consent Agenda. Ms. Stankorb Taylor seconded the motion. There being no discussion, the motion to approve the following items on the Consent Agenda carried with all voting yes.

- July 19, 2021 City Council Meeting Minutes
- July 20, 2021 Special City Council Meeting Minutes
- July 21, 2021 Special City Council Meeting Minutes
- July 22, 2021 Special City Council Meeting Minutes

SPECIAL REPORTS/MINUTES:

No special reports were received.

VERBAL REPORT FROM THE ACTING CITY MANAGER:

- The next Pop-Up Dog Park on the Green is this weekend and will be up all weekend.
- The Dawg Days of Summer is coming up on Monday, September 6 from 7:00-8:30 p.m. at the Wyoming Family Aquatic Center. Cost per dog is \$5 and humans are free.
- We are having the Fall Festival this year on October 2, 2021. The application for a booth or vendor space can be found on the home page of the City's website.
- Nominations are now being accepted for Citizens of the Year. Nomination forms are available in the lobby of the City Building, at the Civic Center, and at the Recreation Center. You can also use the on-line nomination form on the City's website under the Service Request tab.

Referencing the fire that occurred last week, Mr. Herzog thanked the Wyoming Fire & EMS department and all those that assisted with the fire. He read a letter of thanks from Fire Chief Dennis Brown: *The Wyoming Fire & EMS and I would like to thank those that assisted with the fire at the apartment building at 4 Worthington Ave., last Tuesday.*

It was 91 degrees outside; the real feel was 101 degrees. Responders spent 5 hours in the heat

and sun.

The Wyoming Police Department, assisted by checking the apartments to make sure the residents were out, and rerouting traffic to keep responders and equipment safe.

The Recreation Department assisted in opening the Civic Center for rehabilitation of the firefighters, providing water, restrooms and an air conditioned respite from the heat.

The Wyoming City Schools assisted by initially reporting the fire to 911 and for providing ice for rehab, and use of the middle school parking lot for set up of our ladder truck.

Thanks to the American Red Cross for responding with snacks and Gatorade for the firefighters, and providing emergency relief for the displaced occupants.

Thanks to the Hamilton County Fire Investigation team, and drone team for investigating the cause.

And a great big thanks to our mutual aid departments for their support of personnel and equipment to put out the fire as quickly as possible under those adverse weather conditions.

It was a cooperative effort involving:

18 communities/fire departments

25 fire companies; engines, rescue trucks and ladders

4 Fire Chiefs, 5 District Officers, 4 Medic Units

We want to thank the communities of Reading, Lockland, Woodlawn, Springfield Township, Elmwood, Forest Park, Springdale, Little Miami, Evendale, Sharonville, Norwood, Greenhills, Mt. Healthy, North College Hill, Blue Ash, Sycamore and Colerain for their response and efforts, it was greatly appreciated!

Just a reminder that there has been a fund established to collect monetary donations for the four families that were displaced by the fire. They can go to www.wyocommunityfoundation.org. All monies donated will be split evenly among the four families. Additionally, checks can be dropped off at the city building as well.

REPORTS OF STANDING COUNCIL COMMITTEES:

No reports were received.

REPORTS OF SPECIAL COMMITTEES:

No reports were received.

CITIZEN PARTICIPATION:

Ethan Pagliaro, 434 Hidden Valley Lane, address City Council regarding the recent fire at 4 Worthington Avenue. Mr. Pagliaro explained that he is a Wyoming firefighter and has been since he started out as a cadet at the age of 14. He stated that he was not on scene in Wyoming the day of the fire. He was at work, at his full-time job as a Cincinnati firefighter, sitting at a lunch table when the notice came out. He quickly turned on the radio and at the same moment, his wife FaceTimed him from in front of the burning building. He proceeded to watch via FaceTime for the next hour and a half with eight other Cincinnati firefighters around him.

The firefighters from Cincinnati, with about 140 years of combined service, expressed amazement at what they were seeing on the screen and the work by the Wyoming Fire Department and many of the other communities around us.

He shared a few observations with City Council from his perspective. He explained that Wyoming was the first unit on the scene within six minutes of the dispatch and the first fully staffed fire truck arrived within eight minutes. Many times, people express an opinion that a volunteer fire department is slower to respond and in some instances, they are a little bit slower, but not a lot slower. In fact, the first arriving unit was just shy of the NFPS full-time fire department response standard. The first arriving Wyoming unit was fully staffed with a crew of firefighters. That is not always the case with surrounding full-time fire departments. Some mutual aid responders may arrive with two or three firefighters but ours arrived fully staffed.

The Wyoming firefighters are here because they love Wyoming. They live in Wyoming, they know the streets, the hydrants, and the buildings. Mr. Pagliaro stated that he believes it is important to note that there were several mutual aid fire companies that were dispatched to this fire that never arrived on scene. This is due to manpower shortages in those fire departments.

You can regularly drive past fire houses all over the county and you might see two, three, four, or five garage doors on the front of the building. Just because you see all those garage doors doesn't mean that every fire truck in that firehouse is staffed. He believes that Wyoming was very well-staffed that day and noted that there were two fire trucks from other companies that were delayed by trains.

Mr. Pagliaro stated that in all, there were 19 trained Wyoming fire personnel on the scene, which is more than all but the largest Hamilton County fire departments would have put it on the scene by themselves.

Wyoming's first fire truck went to the rear of the structure and that is a tough one because when you look at every online photo of the fire, you will see someone else's

firetruck in front of this structure, which is a tough pill for a firefighter to swallow. Wyoming's trucks were at the back of the fire which is where the fire was most intense.

When the firefighters pulled around to the back, they knew what was going to happen. They knew that somebody else's fire truck was going to pull in front and that every picture that got snapped is going to be someone else's fire truck and they still made that difficult decision to go around to the back, and do the right thing for the residents. He added that Wyoming's Rescue Truck responded with four fire cadets on board. These cadets are high school kids and they performed vital outside work, which frees up firefighters to do dangerous inside work. They are the future of our world. The firefighters on scene, nearly half of them, began their service as Wyoming fire cadets. The man commanding the entire rear half of the structure started as a fire cadet.

Mr. Pagliaro stated that sometimes he hears that volunteer departments get equated with not being as professionally trained or dedicated as a full-time department. The Wyoming Fire Chief handled almost 200 firefighters on scene with people coming from all over and with a very hard structure fire to handle, he handled it very capably, which doesn't always happen and he has been to some fires where it doesn't quite feel that way.

Mr. Pagliaro explained that this was a very difficult fire to fight. He knows the layout of the building quite well as he performed inspections on it many times. The third floor of the building was organized as if there were several maid's quarters, which were abandoned. There were multiple doors to multiple rooms that line the back of the building. Every one of these locked doors was dead-bolted shut and had to be forced open. After breaching the dead-bolted doors, and shimmying up narrow staircases with 70 pounds of gear on in 101 degree heat, crews were able to reach where the fire was actually happening. Additionally, the walls were covered with a half-inch layer of plaster followed by a layer of lathe. He explained that with this particular building, the roof covering was made of slate which is a form of stone, which the firefighters had to break through to reach the attic space. This was a very difficult fire to fight given the age and construction nature of the building.

The firefighters here and everywhere are not motivated by money or by moving up on some career ladder. They are there because their morale drives them to help others and you have to figure out how to feed that morale. This fire solidified the value of having a Wyoming volunteer fire department and he asked for the community and Council's continued support.

Mr. Pagliaro stated that a few years ago he was promoted to lieutenant and he remembers receiving a note in the mail from Councilmember Delgado congratulating him. He still has the note today and he will keep it until the end of his career. Just the little notes or people stopping by to bring cookies to the station or people approaching members at a

parade and thanking them, goes a long way to maintaining morale and we hope that you were proud of your fire department.

Mayor Hoffmeister commented that in his short time on City Council, he believes he has seen the best of Wyoming and the worst of Wyoming and the response that he saw to the fire was the best of Wyoming. Not only in what the fire department did and the other first responders, but in the community as a whole. By the time he arrived, he saw many residents helping other residents, get their clothes out and even hanging them up to dry. He saw that Gabby's was giving out free pizza and other brought drinks for everyone. It was really a community effort and he applauded the department and the community for pitching in. He felt like part of a community hanging up someone else's wet clothes to dry because he knows that everyone was pitching in to help as well. Mr. Pagliaro stated that that does not happen everywhere. He spoke with one of the residents who lived in one of the apartments and he said that he felt like people supported him, the department supported him, and the whole town supported him. This is what makes a town a community, it's what makes Wyoming, Wyoming.

Mr. Bob Burns, 1202 Morts Pass, addressed City Council. He offered his congratulations to Rusty Herzog for his appointment to City Manager and thanked City Council for selecting him. Mr. Burns noted that the Diversity, Equity and Inclusion Task Force is supposed to meet this evening at the same time as City Council. He asked why that was instead of having them meet at a different time. He assumes those meetings are public. He also noted that, in his opinion, the Fire Department's monthly report is very difficult to read in terms of how the various incidents are categorized. The categories on one page do not match the categories on the next page and he suggested that attention be made to standardizing the report.

Mayor Hoffmeister noted that the Diversity, Equity and Inclusion Task Force will be making a presentation at the Committee of the Whole meeting on August 23, 2021 if anyone is interested.

Mr. Jerry Williams, 86 Oliver Road, was present and addressed City Council. He stated that he has a letter he would like to read that has been signed by several residents who are opposed to the issuance of a Special Use Permit for the Hearts of Stearns Bed and Breakfast proposal.

The City of Wyoming has always valued its uniquely residential land use and the lifestyle of its residents. Our ten-year plan vision states: "The City of Wyoming will preserve its welcoming, safe, and diverse residential neighborhoods and its small-town charm, while continuously cultivating opportunities to improve the high quality of life experienced by its residents."

Special use applications have given us preschools, places of respite and care, and a smaller B&B

on the corner of Compton & Mt. Pleasant. Wyoming has indeed supported its residents as they improved their quality of life with new opportunities. This application is different – it launches a hospitality business on Oliver Rd. based on short term rentals, an industry whose impact on nearby residences is hotly debated. Chapter §1197.06 Part R limits operations so as not to impact nearby residents' enjoyment or value of their property.

The applicants have submitted this application in order to establish 333 Oliver Rd. as a lodging venue. They plan to market the estate for executive and boutique travel and have discussed possibilities for future expansion. The Planning Commission members and current property owner have stated that the estate is no longer viable as a single family residence. The Commissions' recommendation and waivers for increased capacity are based on an assumption that Stearns Estate will never be restored to a single family dwelling.

Chapter §1197.06 Part C explicitly prevents changes that would prohibit the immediate reuse of the property as a single residence dwelling. Changes proposed in this application include parking lot, fences, signage, and other alterations to support commercial use. The Planning Commission has deferred to ARB and HPC approval of those alterations. It did not correctly identify that, regardless of ARB and HPC approval, these changes will alter the estate's immediate reuse as a single family dwelling.

Chapter §1197.06 Part A requires the application be submitted by Resident Owners. The applicants are not yet the property owners nor City of Wyoming residents. They are planning to move in without the application's approval, establishing that the property is suitable for single family residence.

Due to the application's intent, the nature of the waivers, and parts A, C, & R of Chapter §1197.06, it is appropriate for City Council to reject this special use application at this time.

Respectfully,

*Jerry & Sarah Williams, 86 Oliver Rd
Jordan & Tori Pearman, 229 Oliver Rd
Kimberly & Michael Cooper, 356 Oliver Rd
John & Brett McMichen, 376 Oliver Rd
Tim and Margaret Walsh, 368 Oliver Rd
Greg and Christine Weyman, 350 Oliver Rd
Laurie & Todd Ryan, 380 Oliver Rd
Ken Irwin, 358 Oliver Rd
David McDonald & Jaren Howard, 320 Oliver Rd
Kenneth and April Fent, 384 Oliver Rd
Joe & Kathy Auger, 442 Oliver Rd
Carl & Ali Neff, 434 Oliver Rd
Pam & Andy Kaiser, 430 Oliver Rd*

Elise & Jon Randman, 645 Glenway Ave
Scott & Kelly Clark, 652 Glenway Ave
Alizha and Ian Smith, 650 Glenway Ave
Beth and John Roeseler, 634 Glenway Ave
Roswitha Wise, 269 Hillcrest Dr
Antoine & Brigitte Cordier, 265 Hillcrest Dr
Amy Higgins & Brad Woebkenberg 208 Hillcrest Dr
Tim & Amy White, 437 Hillcrest Dr
Erik & Sandy Anderson, 240 Hillcrest Dr
Jason & Sarah Greene, 552 Hickory Hill
Chris & Abby Gist, 1000 Brayton Rd
Sember & Max Meyers, 229 Reily Rd
Don Osborne, 713 Reily Rd
Kate & Keith Rummer, 51 Jewett Dr
Lauren & Bob Prangle, 338 Hackamore Ct
Wendy Voss, 99 Central Terrace
Kristen & Craig Svendsen, 274 Linden Dr
Jennifer & Dave Smith, 301 Linden Ridge
Cathy Yearout, 1761 Woodruff Ln
Eric & Alyson Roeseler, 315 Forest Ave
Mark & Melissa Roeseler, 543 Abilene Tr
Melissa and Scott Kadish, 148 Burns Ave
Robbie & Tom Schlager, 306 Fleming
Rob & Kelly Fischer, 545 Laveta Ct
Jason & Christina Wainscott, 57 Hill Ln
Mark & Shana Brahma, 540 Compton Rd
Ed & Marilyn Hunter, 423 Flemridge Ct
Robin Washienko, 480 Flemridge Ct

Ms. Sarah Williams, 86 Oliver Road, addressed City Council and stated that since Mr. Williams' letter was written, a few more signatures have been received to the letter that was read by Mr. Williams and they are: Tom and Lisa Mellott and Jan Denton. We continue to receive support for this letter.

Mr. Scott Clark, 652 Glenway Avenue, addressed City Council. He stated that he and his wife, Kelly, have lived here for over 24 years and they brought up their two daughters here who both walked to Hilltop Elementary, the Middle School, and graduated from the high school. They plan to live here for the foreseeable future, staying where they are now. Mr. Clark stated that he recently retired and has been assisting his wife and her business and volunteering his time with several local charitable organizations. He has been following the application process since it was brought to his attention by another neighbor and it brought back memories of when the Stearns Woods was being considered for sale with the

possibility of it being subdivided. This would have destroyed the green space, completely change the look and feel of Glenway Avenue and the surrounding neighborhood. But fortunately the property was donated to the City and designated permanent green space. We thank all those involved in saving and doing what was right and in the best interest of neighbors. We are again, faced with a proposal that could have long lasting impacts to our neighbors and the City.

Mr. Clark stated that he has gone back and forth with his opinion of the project. Unfortunately for the current owners and the prospective buyers, they shot themselves in the foot with their original proposal of the 10 bedroom B&B and event center with a 75 car parking lot, exterior lighting, and outdoor speakers. This one was met by a resounding no by most neighbors, and this also made many very weary of the intention that the current owner and prospective buyers, which I have to say still exists.

From personal background in the 24 years he has lived on Glenway he can honestly say he rarely ever saw anyone at the Stearns Estate and he can't ever remember meeting the owners and would not know them to see them today. The house, in his opinion, has been empty for most of the time he's lived on Glenway. Some would say they've been the perfect neighbor to have someone move into the house as a single family residence will be great. To have a commercial establishment move in is cause for concern. On the flip side, he has waffled on the idea of a bed and breakfast and although it isn't his first choice of use, he asked himself what the alternatives could be. Could the property be sold to someone else who would tear down the house and develop the property into multiple dwellings, could the house deteriorate and become an eyesore, could the house go into foreclosure? Maybe the house and property could be donated to the city, but could it be maintained without raising my taxes? What is the lesser of the evil?

He stated that he has read the minutes from past Planning Commission meetings, as well as attending them, and the Council meetings. I've worked good and bad arguments from both sides. I've discussed this with family and neighbors and see merit on both sides. It wasn't until a recent discussion with a neighbor that my wife and I came to a conclusion on what we would like to see happen at this time. Council has, and will hear from Wyoming residents, direct neighbors of the property, the current owners of the property, and the potential buyers. I would ask Council to give more weight to the direct neighbors of the property as they are the ones most impacted by your decision. Residents who live blocks or more away from the property, don't have as much skin in the game. The owners obviously have a financial reason for their position but they will be long gone once the decision is made and not impacted by its results. The potential buyers also have an understandable self-serving interest in your position. Therefore, I again, ask Council to give more weight to those residents' opinions in making your decision.

My wife and I are asking Council to push pause on the current Special Use

Application. Our reasoning for this is as follows. Chapter 1197.06 part A requires the application be submitted by resident owners. The potential buyers and applicants are not currently resident owners of this property. By pausing this application that will allow the potential buyers time to acquire the property and become resident owners. If my memory serves me right, potential buyers have indicated on several occasions that they intend on buying the property, regardless of they can operate the bed and breakfast. As such, buying the property without the bed and breakfast should not be an issue. Current regulations allow for a three bedroom B&B to be operated on this property without any Special Use Application being required. As such if the potential buyer or truly interested in operating a B&B, this is possible without any further changes required. Again, if my memory is correct the potential buyers that stated that they do not need the B&B to be profitable for them to move forward with its creation as such, it shouldn't initially be a financial issue with the potential buyers to start with an allowable, three bedroom bed and breakfast first before a five bedroom. The potential buyers have asked the neighbors and City to trust them to do what they say they will, and be good and respectful neighbors. As such, I believe the potential buyers have created a distrust among the neighbors by initially coming out with a 10 bedroom B&B, event center, outdoor lighting, and its 75 car parking lot proposal and then back peddling to a five bedroom B&B only proposal. The potential buyers need to build trust with their neighbors and City, and like Rome, it will not be built in a day or a month or sometimes even a year. However it needs to start somewhere, which I believe with not passing the Special Use Application now, allowing the potential buyer to acquire the property and move in, provide time for providing any needed renovations, respectfully operating a three bedroom B&B if desired, and proving to the neighbors and the City, they will do everything they said they would to be good and respectful neighbors and residents. By doing so, they can begin with their desire to operate a B&B and they'll build trust with the neighbors and the City, which will go a long way when and if they decide to expand to a five bedroom B&B and will provide the potential buyers with the opportunity to determine the viability of a B&B located on the Stearns property. And again, demonstrate to the neighbors, their ability to do this in a respectful way.

Again, my wife and I respectfully ask Council to not pass the Special Use Permit application to allow time for the potential buyers to become good and respectful resident owners and neighbors, and build the needed trust that they will need to get future approval resulting in more than what is currently allowed on the property.

Jordan Pearman, 229 Oliver Road, addressed City Council saying that he wanted to let the Council know the parts of the opposition to the Stearns' Special Use Permit proposal that it never received. When he first found out about the proposal, in its original state, he started pounding the pavement and talked to well over 200 families specifically around the area that this would affect. He met veterans of foreign wars, teachers, doctors, lawyers and business owners, and he met former professional athletes and it reinforced that we truly do have an amazing residential community.

I would like to state that on the proposal for the special use permit, the application says there will be no impact on the public peace, health, safety, morals, and welfare to the surrounding neighborhood. I completely object. Although Council may not see it, there have been hours of backyard talks, conversations, glasses of wine, impromptu meetings, social media, texts, emails, letters back and forth and no justice to the amount of effort and worry that much of our community has about this proposal? I do agree with Mr. Clark, my neighbor, that the way it came about was probably not the best way to get an introduction into our neighborhood. However, unanimously, our neighborhood still is a residential neighborhood and this will forever alter it. I hope that you hear the voices of the people here tonight. Many people are simply scared. They are scared of this proposal and they are scared to participate because they don't understand the process. I didn't, I still don't. But I'm here. I hope that you will take that into account.

These regulations that are all being overturned one after another, once we dug into this and we look back and see that the overlay started changing, a year or two ago, and you see this progression of events that happened and when I started pounding the pavement, nobody had any idea. So our community and our neighbors that had no clue that these things were happening and what they were, what they were going to lead to, which is this. So I hope that you will take those regulations and all these proposes to changes to the laws of Wyoming, if they are laws. They are there to protect us, they are there to protect the citizens. They are there to protect the community and they are there to protect the residential nature of our neighborhood. So I hope that you weigh them with, great seriousness, because there are a lot of people, especially around all over town that are really upset. So I do want to thank all of you also for your civic service it is important part it is an important part of what makes our community so great.

BUSINESS:

A. Public Hearing on Legislation Amending Chapter 1331 of the City of Wyoming Codified Ordinances Pertaining to Signs: Mayor Hoffmeister opened the Public Hearing. Having received no comments, Mayor Hoffmeister closed the Public Hearing.

B. Second Reading of the Ordinance Amending Chapter 1331 of the Codified Ordinances of the City of Wyoming and Declaring an Emergency: Mr. Delgado moved to suspend the rules. Ms. Stankorb Taylor seconded the motion. There being no discussion, by roll call vote, the motion to suspend the rules carried with all voting yes. Mr. Delgado moved to adopt the Ordinance. Ms. Stankorb Taylor seconded the motion. By roll call vote, the motion to adopt the Ordinance Amending Chapter 1331 of the Codified Ordinances of the City of Wyoming carried with all voting yes.

C. Third Reading of the Ordinance Approving the Special Use Permit for the Hearts of

Stearns Bed and Breakfast Establishment Located at 333 Oliver Road: Mr. O'Reilly asked clarification from Ms. Statt Blake that in the course of this evening's discussions, a distinction was being drawn between three bed and breakfast rooms and five, and he asked if she could clarify that for the record. Ms. Statt Blake explained that Chapter 1197 allows for three guest rooms and it allows for a waiver to that requirement and that is what is outlined in the Planning Commission's recommendation is a recommendation for that waiver to allow for up to five guest rooms.

Mr. LeRoy stated that there was also mention that a resident that had to apply and he asked if Ms. Statt Blake could address that further as well. She stated that it has been the practice that if there is a special use permit, it goes into effect at the time of occupancy. She had discussed this with the City Solicitor and there is a provision in the proposed Ordinance, under Section four, that states that this would be contingent upon the transfer from the current owner to the presumed resident owner. So the special use permit would not go into effect until that resident's ownership is established.

Ms. Stankorb Taylor commented that in thinking of other special use permits, for example day cares, have we had any examples of a day care in a residential neighborhood where there is an issue with an increase in traffic or some other overflow that affects neighbors and if so, what was the process to deal with the issue. Ms. Statt Blake stated that she is not aware of any issues. All of the daycares that we have currently were established a fairly long time ago. When we do our annual review, and that is when concerns or issues could be brought up, there have been no issues raised during her 10 year tenure at the City. Ms. Stankorb Taylor asked if the Twins' House Bed and Breakfast had been a three bedroom or five bedroom establishment. Ms. Statt Blake confirmed it was a three bedroom B&B. Ms. Stankorb Taylor asked if the potential owners are interested in a three bedroom B&B. Initially they had proposed a ten bedroom B&B with an event space and she asked if they had considered a three bedroom establishment instead. Ms. Statt Blake stated that she is unaware of their decision making process.

Ms. Supinger stated that application that is under consideration is for a five bedroom B&B.

Mr. LeRoy stated that it seems Council has talked about this property in one way or another for several years, even before the bed and breakfast came up, and we had lengthy discussions in Executive Session that I cannot bring up in public forum but I think it's important for us to discuss some of those things before moving forward and I don't know how to do that. Ms. Supinger stated that she is unsure of what specifically Mr. LeRoy believes that cannot be said in a public forum and asked for further clarification. She stated that there were certain things that were done in a public meeting with respect to the property that Council determined that it would provide a little flexibility in the Zoning Code provisions that established the low density residential use. Because it appeared that the

current regulations provided so little flexibility that it really handcuffed the property. Once those changes were made, City Council voted to allow the deed of acceptance for this property to be amended such that it would allow a B&B usage, if a special use permit was granted and would also allow a subdivision of the property into two parcels, one with the carriage house and one with the main house.

Mr. LeRoy commented that as he understands it, this property was rezoned once before some years ago, and he asked about the history behind that. Ms. Supinger stated that she believes it was 2001 when Mrs. Stearns still owned the property, she and her attorney worked with the city to establish the Zoning Code provisions that are the low density Zoning Code provisions with the intent that she would then put the deed of acceptance on the property because she didn't want anything to happen to the house. She wanted to make sure the house was always preserved. Since that time, nothing really occurred other than the transfer of the property to Mrs. Landers and her husband. Since that time, there really wasn't much in front of Council until the request to alter those provisions of the Zoning Code. Mr. LeRoy questioned if this is where we are tonight. Ms. Supinger stated that it is not, that a year or so ago, when Council amended the Zoning Code to provide Council with some flexibility to consider minor changes to a house that is located within an overlay. Mr. LeRoy thanked Ms. Supinger for her clarification of the process.

Mr. O'Reilly stated that he has been intrigued his over 20 years on Council, that when issues come up that involve this amount of detail, there's usually a middle ground to be addressed. I think Mr. Wehtje has listened very carefully and has come back each time with alternatives. He commended him for that. Mr. O'Reilly expressed concerns that the neighbors are speaking very vocally against what had been the first plan submitted. Not doing the event center, and not doing the pool, and not doing this major parking area, is a significant concession on his part. As to whether there are three bed and breakfast spaces versus five does not make much difference. I'm unaware of what the dimensions of the rooms will be. I've seen the floorplan, but I don't think three to five makes that great a difference. For that reason and having spent a long time looking at it, I think you've compromised significantly from your initial view, retreated significantly from the event center, compromised importantly on the parking and traffic issues, and you've made a number of positive responses to the work of the Planning Commission. And of course, for each of ours, I think you've done a good job of listening and responding and being fair about it. So that's what I wanted to say, Mr. Mayor.

Mr. Delgado asked what happens if Council cannot make a decision tonight. Can Council take a position that they cannot make a decision tonight? Ms. Supinger advised that Council could table the Ordinance however, under the Codified Ordinances, Council needs to vote on this Ordinance as soon as practical after the public hearing and the public hearing was in July.

Mr. LeRoy questioned that Planning Commission and Economic Development, both recommended approval. Ms. Supinger stated that Planning Commission recommended approval and she was unsure if the Economic Development Commission approved it. Ms. Statt Blake clarified that the Economic Development Commission did not review the application. The Planning Commission conducted two separate meeting sessions on the proposal.

Mr. LeRoy commented that there were concerns raised by a resident that Council was on a "slippery slope" which he understands the logical fallacy but he asked if the applicants can return a year from now or so and add an event center, what would that process look like? Ms. Supinger stated that an event center would not be permitted to be added as the Zoning Code does not allow them in any residential district whatsoever; not as a permitted use or as a Special Use Permit or as a Conditional Use. This means that in order for that process to occur, City Council and Planning Commission would need to initiate Zoning Code text amendments to establish an event center use in a residential district. If Council were to do that, then the owner's, presumably assuming that the Zoning Code allowed it on this particular property, which frankly it would not, because it's still subject to the overlay, they would need to apply to allow the events center in the overlay and then separately apply for an event center under the Zoning Code. So it is not one hurdle or two hurdle, it is multiple hurdles and ultimately the decision on what laws the city makes is up to City Council. Currently no one has the right in a residential district to apply for an event center on their property. Mr. LeRoy questioned that the process will be the same if they wanted to go to ten bedrooms in the future. Ms. Supinger stated that they would have to come back through the process that they've gone through currently with Planning Commission and City Council, to amend their Special Use Permit, to increase the number of guest rooms.

Mr. Delgado questioned that if City Council felt uncomfortable at this point in voting on the proposal that's been brought before them, does City Council have the same ability that Planning Commission would have, and that is to open discussion, as per example, a five-bedroom if they felt uncomfortable with the five-bedroom Ordinance, do they have the opportunity to amend and/or suggest that it approve a three-bedroom?

Ms. Supinger stated that she believes City Council could make some changes if it wanted to. She believes that it would be a little late to make those types of changes at this point in all fairness, the applicants have not had an opportunity to weigh in on that scenario. So it could be an exercise in futility. Her suggestion is that the Ordinance is based on the application that City Council has received and Council can either vote to approve it or it can vote to deny it.

Ms. Stankorb Taylor stated that through this process, it was said to trust in that

process. Initially she heard from a number of people that were extremely upset and when the potential buyers shifted their plans the emails she was receiving shifted largely as well. She stated that some of the names listed in the letter read by Mr. Williams, she knows many of the people on the list and has had recent conversations with them and never was the issue of the Bed and Breakfast brought up. So, she is surprised. If it is something that is changing near your home if you have your vision of how you want your neighborhood to be, any change can feel threatening. She stated that she was very interested in what was said earlier that if there are pauses over a period, to let them prove themselves that would be useful. She still feels though that in this process, they have shown a willingness to listen and she is unsure of what else could prove their intentions. This is in many ways, for her, it would be a vote to make sure that this property, that means a lot to this community, have caretakers and to be cared for. She also worries for the new potential owners coming in under a cloud of scrutiny, that the neighbors could make it difficult for the new owners to succeed. She is also of two minds as she understands the annual review process and if we see this property not operating how it was promised, a year from now could we deny the waiver and the property would be allotted three bedrooms according to the Ordinance at that point. Ms. Supinger stated that she believes it is an up/down on the renewal but it could be a situation where if the owner realizes that City Council is not inclined to renew the permit, there could be a discussion about them then reducing it as part of that process. But in terms of just how Council and how it would be reviewed, it would be either to renew the existing permit or to deny it.

Mr. Delgado stated that, in speaking for himself rather than generalizing, the struggle he believes is that from the time of Planning Commission until this moment, he believes that the parties that are interested in purchasing the Stearns have been very, very reasonable and very accommodating and trying to meet the needs of the neighbors. He explained that when he begins to read the Ordinance sections (A) through (E) and as he reads through (C) and then reads through (E) it's a value-driven clause. He questioned what happens with a value-driven clause, in his opinion, it is an affect not effect and you don't have the ability to measure. You can't put a measurement or data against those two components. So the struggle that he has is that you have neighbors in very close proximity of this property, that in my opinion, represent some impact on public peace, and that's what he continues to struggle with and believes that, he has to try to attempt to manage in my mind to get into a vote. This is where he feels he is standing and sensing from other folks.

Mr. O'Reilly commented that he believes that the potential purchasers have listened carefully and because they've listened carefully and attempted to compromise, he is willing to give them the benefit of the doubt. He recognizes that if someone came to his street to do something out of the ordinary, he would feel viscerally against it, but what's occurring here is over the many months we've been interacting on this there's been discussion, has been openness, has been an open house, has been compromised. He stated that he is also

convinced that we need, in this community, we need to have something like a neighborhood bed and breakfast for those families that have either a wedding coming or child returning or something like that. He stated that he believes the applicants have done a good job of explaining how the need fits and they have compromised effectively. Let's put them to the test. Let's give them the ability to do this and show that they can be well integrated into the surrounding neighborhood and show that they can maintain and preserve the integrity of the Stearns mansion and retain the architectural characteristics of the Stern mansion. Mr. O'Reilly explained that his wife has lived in that neighborhood since 1951 and she often played there in Stearns Woods and met Mrs. Stearns whose butler would bring treats to the door at Halloween. This is not that era. It's a different era, but he believes there is still value to listening carefully, weighing the opportunity, and decide what we should do. For that reason, he believes the prospective purchasers are making sufficient progress and that he would give them the benefit of the doubt.

Mr. LeRoy stated that reflecting on his four years on City Council, this is probably been the most pensive we've been in Council Chambers on an issue. He stated that he was not here when the Family Aquatic Center was the pensive issue and was very contentious from what he has heard, but now is a beloved benefit of the community. He stated that he was married in a bed and breakfast and he and his wife frequent bed and breakfast establishments and he considers themselves to be B&B people. Typically, they are high end as far as class and people are not going to stay there if you are a college student looking for a place for a weekend party, in his opinion. He explained that he often hears people say that the City needs the right kind of businesses in Wyoming. He came here tonight on the fence, probably leaning one way in all candidness, but he does not live near Oliver. In his opinion, it is not so much about what he wants as much about what the community thinks. Mr. LeRoy stated that he counted 82 signatures on the letter of concern presented earlier and this weighs heavily on him and makes him reflect on the proposal differently. However, it is not known as to what the sample size was of the people who were asked to sign the letter, nor is it known if anyone refused to sign the letter after being asked.

Mayor Hoffmeister added that he agrees with what the other City Council members have said and what he could discern. In his decision making tree he likes to listen to the experts, our staff, and to process the information they give him. He tries to listen to the residents, all of the Wyoming residents in his decision making and usually he is on the same sheet of music. When Council is all on the same page, the decisions are easy. In his four years on City Council this has been the most challenging issue for him to vote on. He explained that he would like people to understand his process of making a decision and to understand that, regardless of the outcome, that people have a voice. He cannot speak for the other Council Members but he is sure they have listened to the residents. The letter of concern is very powerful. Whenever you get this many folks on the side of an issue, it is very persuasive for him. He explained that if the residents against the proposal are unsuccessful this evening he does not want them to feel as though they do not have a

voice in this matter or that Council has washed their hands of the voices against it. In his time on City Council he has seen the members as well as himself, be very responsive to the residents. He stated that he does not want folks to leave here and think that no one listens to them that no one cares. Council cares very much about the people on both sides of an issue. He can see the pros and cons of the proposal and at this moment, it is a 51% vs 49% kind of vote in his opinion. Council is taking this issue very seriously and trying to weigh both sides. He is trying to listen to the entire community and to the experts, the staff, and the folks on the ground who will deal with this on a daily basis.

Mr. O'Reilly moved to adoption of the Ordinance. Ms. Stankorb Taylor seconded the motion. There being no [further] comments or discussions, by roll call vote, 3-2 the motion to approve the Ordinance Approving the Special Use Permit for the Hearts of Stearns bed and Breakfast Establishment Located at 333 Oliver Road failed with Ms. Stankorb Taylor, Mr. O'Reilly, and Mayor Hoffmeister voting yes and Mr. LeRoy and Mr. Delgado voting no.

D. First Reading of the Ordinance Establishing the "American Rescue Plan Act of 2021 Fund" within the City Budget and Declaring an Emergency: Mr. Delgado moved to suspend the rules. Mr. O'Reilly seconded the motion. By roll call vote, the motion to suspend the rules carried with all voting yes. Mr. Delgado moved to adopt the Ordinance. Mr. O'Reilly seconded the motion. By roll call vote, the motion to adopt the Ordinance Establishing the "American Rescue Plan Act of 2021 Fund" within the City Budget and Declaring an Emergency carried with all voting yes.

NEW BUSINESS NOT OTHERWISE ON THE AGENDA:

None was received.

MISCELLANEOUS:

Mayor Hoffmeister began by explaining the "Streisand Effect" before items in Miscellaneous were discussed. In general, *definition taken from Wikipedia: the Streisand Effect is a social phenomenon that occurs when an attempt to hide, remove, or censor information has the unintended consequence of further publicizing that information, often via the Internet. It is named after American entertainer Barbra Streisand, whose attempt to suppress the California Coastal Records Project's photograph of her residence in Malibu, California, taken to document California coastal erosion, inadvertently drew further attention to it in 2003.*

Attempts to suppress information are often made through cease-and-desist letters, but instead of being suppressed, the information receives extensive publicity, as well as media extensions such as videos and spoof songs, which can be mirrored on the Internet or distributed on file-sharing networks.

The Streisand effect is an example of psychological reactance, wherein once people are aware that some information is being kept from them, they are significantly more motivated to

access and spread that information. In some cases taking out a legal injunction—or even a "super-injunction", whose mere existence may not be reported—prohibiting something being published ultimately leads to much increased publicity.]

Ms. Stankorb Taylor commended the fire department on the work they did and on the overwhelming response and support from the community towards the fire victims. It reminds her of who we are as a community and she hopes that everyone finds ways to exhibit that type of care to our neighbors.

Mr. LeRoy commented that as he was listening to Mr. Pagliaro's presentation he made a note of all the communities that came to help Wyoming respond to the apartment fire. He understands that Wyoming's department was the first on the ground. He knows what it takes to start from your home, if you are in the community, and to quickly get to the fire station, to get geared up, get on the truck and to still be on the scene in eight minutes is extremely impressive. He thanked the Wyoming Fire Department and the communities that assisted us that day.

Mr. O'Reilly commented that he also applauds what the Fire Department was able to do and in particular regard, that this is a great example of the coordination of multiple departments working together as well.

He added that as a separate Miscellaneous item, he commented that he received a message from a former member of Council letting him know that he had been publicly criticized by a resident who was expressing their opinion with the actions of the Wyoming Police Department. He listened to the complainant on a phone conversation for one hour and twenty-nine minutes. He stated that he is in disagreement with the person for sending out an attack message after he felt they had a conductive conversation. Mr. O'Reilly stated that he feels that his actions in defense of the Wyoming Police Department were correct and that he believes that the documentation he has been able to find is quite adequate to his response. He is unsure as to who has received the attack message from the complainant and for that reason he asked the record to reflect his response to it.

Mayor Hoffmeister asked everyone to be safe and to look out for your neighbors.

EXCUSAL OF ABSENT MEMBERS:

Ms. Stankorb Taylor moved to excuse Mr. Green and Ms. Averett. Mr. O'Reilly seconded the motion. There being no discussion or comments, by roll call vote, the motion to excuse Mr. Green and Ms. Averett carried with all voting yes.

EXECUTIVE SESSION:

There were no items for Executive Session.

ADJOURN:

Mr. Delgado moved to adjourn the meeting. Ms. Stankorb Taylor seconded the motion. By roll call vote, the motion to adjourn the meeting carried with all voting yes. The meeting adjourned at 8:18 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Karen Zeilman, Clerk of Council

Thaddeus Hoffmeister, Mayor