

CITY COUNCIL MINUTES
April 19, 2010

I. ROLL CALL & ORDERING OF AGENDA

Acting President David Silvestri called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mike Buytendyk, Mark Cavin, Barbara Knapic, David Silvestri, Jeff Steiner and Jon Ulbright.

II. APPROVAL OF MINUTES

Mr. Buytendyk moved, seconded by Mr. Steiner, to approve minutes of the April 5, 2010 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Importance of Ordinance #2010-44, Transportation Enhancement Program; 2) Encouraged support of State Issue 1, Third Frontier Renewal ; 3) Wayne County Public Library has been ranked 5th in the Nation and 2nd in Ohio by Hennen's American Public Library Ratings in the 100,000 population group and 4) Update on city's peer review.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The clerk read a notice from the Ohio Division of Liquor Control indicating Raguji, Inc., DBA Clark Oil, 209 Beall Avenue, applied for a new C2 liquor permit. Mr. Steiner moved, seconded by Ms. Knapic, not to request a hearing. Motion carried unanimously.

Following members of the audience spoke: Greg Gehris, 347 N. Grant (general comments). Mr. Silvestri recognized Alex Kirkpatrick of Troop 66, who was in attendance for purposes of working towards his Boy Scout Communication badge.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Silvestri reported on the April 9, 2010 off-site Public Utilities Committee meeting in Bowling Green, Ohio. The purpose of the meeting was to look at a specific type of green energy, the operation of residential wind turbines. Mr. Silvestri and Mr. Ulbright both attended the meeting and met with Bowling Green's Public Utility Director and his assistant. Bowling Green has four windmills, their own electric utility plant and diesel generators to back-up the entire city. Mr. Silvestri indicated the meeting was very informative as they learned what it takes to execute and utilize a wind turbine system and although this is a great option to consider, he isn't sure wind is the chief asset Wayne County has. Mr. Silvestri indicated he would like to set up a follow-up meeting to discuss the possibilities in greater detail. Mr. Ulbright added that Bowling Green is in the best location as far as wind is concerned but there are nine other communities in the state of Ohio, including Wadsworth and Cuyahoga Falls, who are partners with Bowling Green in financing the windmills and benefit by drawing energy off the grid from the wind generation. Mr. Ulbright was particularly impressed with the City of Huron who doesn't have its own lines or public power plant, but has established an area for the generation of green energy for their industrial park. He feels its important to proceed in having a meeting to bring these ideas together.

VI. OLD BUSINESS

1. Second Reading - RESOLUTION NO. 2010-39 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH ENERNOC, INC. TO REDUCE ENERGY USAGE DURING PERIODS OF PEAK DEMAND, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri explained that through an agreement with EnerNOC, the city has the opportunity to be compensated for pulling our high-energy facilities off the grid during peak demand times by using reserve power produced by the diesel generator at the Waste Water Treatment Plant. The city will receive a minimum of \$166,000 over five years and an additional \$600 per megawatt hour when asked to pull off the grid. Council members had several concerns at the last meeting but Mr. Silvestri felt most of those questions had been answered. Mr. Ulbright asked if the city has the necessary permit to go off-line and use the generators in a situation other than an emergency. According to

Mr. Borton, Utilities Manager, the city falls under emergency use permits at this time and does not need a permit. If at some point EPA indicates a permit is necessary, EnerNOC will help the city go through the permit process.

Mr. Silvestri moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Silvestri moved, seconded by Mr. Steiner, to adopt. Ms. Knapic indicated she had the opportunity to meet with Mr. Borton who answered all of her questions and those she received from citizens. She feels comfortable this is something that is in the best interest of the city. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading - INFORMAL RESOLUTION IN SUPPORT OF STATE ISSUE 1 (Ansel)

Mr. Ansel felt this is a very important initiative, not only at the state level, but particularly at the Wayne County and City of Wooster level because of our strong affiliation with the Ohio State University. Ohio Third Frontier Bond Renewal is also known as Issue 1 and will be on the May 4th ballot. This measure proposes the state to authorize and approve \$700 million of bonds over the next four years for the continuance of technology growth and industry development investment. This is not an entitlement initiative, but rather a business investment program that has had significant return to the residents of the State of Ohio and many communities. Since 2002, \$1.6 million has been invested in the Third Frontier and was extended until 2010, but based on the use and engagement of the funds, they have been depleted, but the depletion has been very positive because it has yielded over 500 companies in the State of Ohio and over 8000 technology related new jobs. That is such a profound and important calculation on the return of this investment and it is vital that this continues at the level that it has. This issue has overwhelming bi-partisan support and Mr. Ansel noted those in attendance as a show of their support: Chris Cupples, representative for Governor Ted Strickland; Ray Leach, Executive Officer of JumpStart along with regional and local JumpStart representatives Chris Schmid and Lud Huck. Other local representatives in attendance for companies who have received initial funding: Rod Crider, Wayne Economic Development Council; Jeff Griffin, Wooster Area Chamber of Commerce; Bill Ravlin, Ohio State University. The Wayne County Commissioners as well as several media outlets have shown their support. Mr. Ansel stated this type of endorsement and support level is something that is certainly very important for everyone involved and is vital to the economic prosperity of the State of Ohio and more specifically Wooster and Wayne County. Mr. Ansel read the Informal Resolution in support of State Issue 1 in its entirety. Ms. Knapic believes the Third Frontier has had a positive impact for jobs in Ohio and is pleased Wooster has had the impact and influences of the Third Frontier in our community and would like to see that continue. Mr. Ulbright thanked the individuals for coming to the council meeting as it shows the cooperation across lines of politics, interests, labor and management, city, county, educational institutions and it's great to see that kind of cooperation and realize all the significant accomplishments summarized by Mr. Ansel. Mr. Silvestri thanked everyone for attending on behalf of the informal resolution and support thereof. He feels the advancements and work of the companies mentioned is exciting and Wooster is fortunate to have these gems located in our small community.

Mr. Ansel moved, seconded by Mr. Ulbright to adopt. Upon voice vote, motion to adopt carried unanimously.

2. First Reading - RESOLUTION NO. 2010-40 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MOWING SERVICES FOR CITY-OWNED PROPERTY (Knapic)

Ms. Knapic explained we are entering into mowing season and the city needs to contract mowing services for city-owned property. She asked Daryl Decker, Parks Manager, if it is cost effective to out source this service as opposed to keeping it in-house and he indicated we do not have the personnel to do the work in-house. He presented all the necessary information to show they have looked for the best possible price on behalf of the city.

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

3. First Reading - RESOLUTION NO. 2010-41 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING TREE SERVICE (Knapic)

Ms. Knapic indicated the city needs to contract out for the planting and maintenance of all trees within the public right-of-way and other property owned by the City of Wooster. According to Mr. Decker, it is impossible to give an exact amount of the contract as storm damage, road construction, etc. cannot be predicted. The contract is for trimming, pruning, planting and grinding tree stumps; spraying; and other tree services that may be performed for the City. Mr. Cavin questioned if there was any indication as to how much over \$25,000 the contract will be. Mr. Decker indicated there wasn't, but explained the contract does lock in a price per hour per service and also the cost for emergency services.

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

4. First Reading - RESOLUTION NO. 2010-42 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH BALDWIN & SOURS OF COLUMBUS, OHIO FOR THE PURCHASE OF A TRAFFIC SIGNAL CONTROL CABINET, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated it is necessary to replace a traffic signal control cabinet at the intersection of Cleveland and Milltown Roads which was damaged by a recent vehicle accident. The cost to replace the control cabinet is \$17,500 of which \$16,500 will be reimbursed from insurance. The unit will cost the city \$1,000 which is payable from the Street Construction, Maintenance and Repair Fund. The purchase is exempt from the competitive bidding and will be purchased from Baldwin & Sours of Columbus, Ohio who is the sole source vendor for the brand of control cabinets used by the city.

Mr. Ulbright moved, seconded by Mr. Buytendyk, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

5. First Reading - RESOLUTION NO. 2010-43 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE ADMINISTRATION OF A HOUSING REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel explained this is a two year contract renewal with the Ohio Department of Development for overseeing the fund distribution for the Home Investment Partnership Program and the Community Development Block Grant (CDBG) program. Mr. Ansel highlighted the programs and showed how the city has derived significant benefit from state funding the last couple of years and explained the project levels in the two categories. ODOD, through this agreement, provide the auditing function of the loan agreements and contracts with homeowners and rental owners. The program applications, validation and qualification process is managed by Wayne Metro Housing Authority who is the governing body for local funding. They submit documents annually showing the level of repayment and the status of the projects as the overseer to ODOD. Mr. Ansel feels this is very important because it does reflect upon our urban renewal commitment and renovation application process with the state and county's oversight to this program for the City of Wooster.

Mr. Ansel moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

6. First Reading - RESOLUTION NO. 2010-44 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE TRANSPORTATION ENHANCEMENT GRANT PROGRAM; TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright introduced the legislation and summarized the program as an opportunity for the beautification and enhancement of two exit ramps to help direct people to our downtown area. The total cost of the project is estimated at \$500,000 and the city's share would be \$100,000. The city further agrees to pay 100% of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation and for all costs associated with design, environmental and right-of-way activities. The City of Wooster, in partnership with the Wooster Area Chamber of Commerce, Main Street Wooster and the Ohio State University (OARDC) submitted a letter of interest (LOI) to the Ohio Department of Transportation's Transportation Enhancement (TE) Grant Program. The LOI has been identified as a finalist for the grant program, resulting in the above listed entities being offered an opportunity to submit an application for funding. The TE program requires a 20% local match component to the program. The City of Wooster's match would be \$100,000 and come from the Capital Improvement Funds. This proposed project is for the aesthetic improvement and beautification of two local exit ramps (Madison Avenue and Columbus Avenue). The intent of the project is to develop well defined gateways and way finding features for the purpose of providing a clear direction to travelers heading to downtown business, OSU/OARDC and area attractions. These ramps have raised criticism for many years due to lack of clear direction, limited views to points of interest and lighting. Methods of creating a better organization of elements will include levels of signage, landscaping and lighting. The completed application, which includes a codified ordinance in support of the application and committed local funds, is due on May 1, 2010. Mr. Ulbright is concerned with the visual condition of railroad bridge that spans Madison Avenue/S. Bever and wanted to know if the city has contacted Norfolk and Southern regarding this and if there is any movement to improve that bridge. His understanding was that the railroad wanted the city to pay to paint the bridge. Mr. Starlin indicated the city has been active in contacting a railroad commission to try to get an idea of what the city can do. Sandra Hull, Main Street Wooster, has had conversations with the railroad directly. She informed council the railroad indicated the city would not only have to pay to paint the bridge, but also would have to scrape the bridge under their specifications, hire their personnel to oversee the project and nothing can be done on the hillside or otherwise without their approval and all the expense would be on the City of Wooster. The idea of putting up some type of fence to hide the bridge would probably be the least expensive thing the city could do. Mr. Ulbright asked if the safety of the bridge had recently been checked. Mr. Sigg indicated the city does not perform those inspections but the railroad is required to have the bridge certified and maintain through state inspections. Mr. Sigg added that one idea is to put something in front of the bridge that spans the street showing the gateway to the town and basically hide the bridge behind it. In order to meet deadline requirements, Mr. Ulbright felt the grant application should be acted upon and stated he hopes we are keeping track of the Capital Improvements Fund obligations because if this grant is awarded, we will be using \$100,000 of that fund.

Mr. Ulbright moved, seconded by Mr. Steiner, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Buytendyk, to adopt. Mr. Silvestri thinks this is a great opportunity for the city and was glad to know the funds would not be coming out of the General Fund. Upon roll call, motion to adopt

carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-no; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

7. First Reading - RESOLUTION NO. 2010-45 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated this grant was applied for late last year and the city has just been notified the Fire Division has received the grant from the Department of Homeland Security, Office of Domestic Preparedness, to fund programs for fire prevention and fire safety. The cost of the project is \$24,205 of which amount the Department of Homeland Security will contribute 90% (\$21,785) and the city's portion will be 10% (\$2,420). The equipment will include, but not be limited to software for preplanning and CAD drawing, a trailer with a generator and other items so the fire department can investigate fires as they occur without tying up additional equipment and teams. Fire Chief Eyler and Firefighter Scott Kiper described some of the equipment they will be purchasing and how it will help with fire investigations. This grant will allow them to obtain equipment they were not able to fund otherwise.

Mr. Steiner moved, seconded by Ms. Knapic, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

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

VIII. MISCELLANEOUS

Mr. Buytendyk addressed issues of noise complaints at the College of Wooster due to a recent concert held there. Chief Glick and Ms. Knapic have discussed the issue with the college who have apologized and will address these concerns with future events. As far as instituting a noise ordinance, Mr. Buytendyk felt it would be difficult to enforce as there would be several other community events that would probably violate these rules as well.

Mr. Cavin asked property owners in the city to take advantage of the springtime weather to perform much needed maintenance on their properties. He has received several calls regarding this.

Ms. Knapic reiterated that the College of Wooster did apologize for the noise, but we have to remember the college is a very good neighbor and they house young adults who enjoy loud music. Also, Ms. Knapic was pleased to announce that the Friends of Christmas Run Pool have received a matching grant from the Rose Family Foundation. Any donations received between now and when the pool opens on June 6, 2010, will be matched.

Mr. Steiner added that the matching grant is up to the maximum of \$25,000 in contributions.

Mr. Silvestri too received feedback regarding activity at the College of Wooster and he was glad to hear the college acknowledged the problem. These issues are not characteristic of the college and he feels the problem has been addressed and will be taken care of for future events. Mr. Silvestri gave a brief recap of the earlier discussion on alternate green energy sources. He scheduled a follow-up Public Utilities committee meeting for May 3, 2010 at 6:30 p.m. to discuss the operation of residential wind turbines.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 8:47 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council