

CITY COUNCIL MINUTES
April 5, 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 and Jon Ulbright. Jeff Steiner was absent.

II. APPROVAL OF MINUTES

Mr. Cavin moved, seconded by Ms. Knapic, to approve minutes of the March 15, 2010 meeting. Upon voice vote, motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman updated council on various activities in the city: 1) Wooster Oilers junior hockey team won the Northern Junior Hockey League Championship; 2) Governor Strickland toured the new Quasar facility on Secrest Road; 3) Gordon Gee, President of the Ohio State University, will be in Wooster to attend the groundbreaking ceremony for the \$22 million Plant and Animal Agro-Security Research (PAAR) Facility at the OARDC; 4) Wooster Community Hospital has been chosen for a third consecutive year as one of the nation's Top 100 Hospitals by Thomson Healthcare; 5) City's housing permits for the first quarter of 2010 have exceeded those for 2009.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The clerk read a notice from the Ohio Division of Liquor Control indicating Revco Discount Drug Centers Inc., DBA CVS Pharmacy 3321, 2284 Back Orrville Road, Wooster, Ohio, applied for a new C1, C2 and D6 liquor permit. Ms. Knapic moved, seconded by Mr. Buytendyk, not to request a hearing. Motion carried unanimously.

Following members of the audience spoke: Louise DiGiacomo, 140 Billiar and Cliff Hill, 1165 Billiar (water problems in east/west alley between Billiar and Palmer).

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A public hearing was held to discuss the proposed vacation of a 360 foot public alley running in a north/south direction from East Liberty Street to East South Street between lots number 300, 301, 323 and 1303. Mr. Ulbright opened the public hearing by reading the petition. Matthew Long, manager of Liberty Street Partners, Ltd, who recently purchased the property, is petitioning for the alley vacation, and owns all properties abutting the strip. Mr. Long explained the nature of the closing and general ideas for future plans. The north/south alley runs through the former Art Bucher auto dealership and is split by an intersecting east/west public alley and that portion will not be vacated. All adjoining property owners have consented to the vacation. There was no further comments in favor or against the petition. Mr. Ulbright closed the public hearing.

VI. OLD BUSINESS (None)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2010-11 VACATING TWO ALLEYS IN THE CITY OF WOOSTER (VICINITY OF E. LIBERTY STREET) (Ulbright)

A public hearing was held prior to the reading of this ordinance to discuss the alley vacation and the petitioner explained the reasons for the request. Mr. Ulbright spoke about the nature of the closing and felt "a better use of the property" summed up the cause for vacating both the north and south portions of the alley. Mr. Long confirmed for council members that the portion of the north/south alley where it intersects with the east/west alley would remain open.

Mr. Ulbright moved, seconded by Mr. Cavin, 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 and Ulbright-yes).

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

2. First Reading - ORDINANCE NO. 2010-12 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Buytendyk)

Mr. Buytendyk indicated the purpose of this ordinance is to amend the Codified Ordinances of the City of Wooster, Ohio at Section 1701.15, Return and Payment Of Tax, in order to correct an inadvertent drafting error that occurred in 2007. When the ordinance was originally passed it was to adopt the mandatory filing that is required in the Wooster tax code, which is being preserved, the revision will just clean up the language that is superfluous and has no more affects at this point.

Mr. Buytendyk moved, seconded by Mr. Ulbright, 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 and Ulbright-yes).

Mr. Buytendyk 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 and Ulbright-yes).

3. First Reading - RESOLUTION NO. 2010-37 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH AEROMARK, INC. OF STREETSBORO, OHIO FOR PAVEMENT MARKINGS OF CITY STREETS (Ulbright)

Mr. Ulbright stated this purchase exceeds \$15,000.00, but is less than or equal to \$25,000.00, and is exempt from the competitive bidding requirement, but must be approved by council. This is a service contract with Aero-Mark, Inc. for painting lane lines, edge lines and channelizing lines on city streets. The contract augments the city's in-house street painting program and allows for completion of the project in a timely manner. Aero-Mark has specific equipment to perform certain jobs more efficiently than the city's equipment and will not require interrupting the flow of traffic. Mr. Buytendyk indicated several individuals have contacted him with regards to the lines on the newly paved section of Cleveland Road which do not have the reflective lumens and when wet, the road markings are difficult to see. Mr. Cavin questioned if contracting this service provides significant savings to the city and Mr. Ulbright indicated he would contact Jim Newman, manager of the Maintenance Divisions, to obtain those figures.

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

4. First Reading - RESOLUTION NO. 2010-38 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2010 (Steiner)

Mr. Buytendyk stated the maintenance division is requesting to purchase a 2011 ¾ ton pick-up truck to replace a 1996 truck which has over 100,000 miles and is in need of extensive repairs. A local car dealer met the minimum price of the State Purchase Program. Mr. Sigg pointed out the truck purchase is coming out of the Street Construction, Maintenance and Repair Fund which is money the city receives from the state by virtue of the gas and license plate taxes for specifically mandated uses such as street maintenance and repair, etc. The money is not coming out of the General Fund. Mr. Cavin questioned if a ¾ ton pick-up was necessary or if a smaller more fuel efficient vehicle would be sufficient and Mr. Sigg indicated the ¾ ton vehicle was necessary.

Mr. Buytendyk 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 and Ulbright-yes).

5. First 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 EnerNOC approached the city to participate in an energy savings program which will generate revenue for the city. EnerNOC is an authorized provider of reserve capacity electricity to PJM Interconnection, Inc., during a “demand response event”. PJM is the owner/operator of the transmission grid for the Central Atlantic region and is American Electric Power’s main supplier of electric transmission services. PJM must ensure that proper transmission capacity is always available even during peak power usage events. PJM establishes contracts with large power users that have the ability to pull their operations off the power grid and reduce usage during peak demand times. The contract with the city would be for five years and in 2010 the city will be paid \$47,700 just for participating in the program and an additional \$600 per megawatt hour when asked to pull its power off the grid. The new on-site backup generator at the wastewater treatment plant allows the city to meet program requirements. Mr. Silvestri feels this a real benefit for the city to be able to utilize the new generator and bring in more revenue than what its going to cost to generate that power. Mr. Cavin questioned if there were other companies who offer this same service and Mr. Sigg indicated EnerNOC is the largest business of its kind, they are very reputable and one of the few that are large enough to guarantee a contract. Ms. Knapic didn’t think this contract was a bad idea, but had several questions she wanted answered before rushing the legislation through. Mr. Borton addressed several questions and indicated there is a limit to the amount of outings they can call and they cannot ask the city to leave the grid for more than six hours at a time between noon and 8 p.m. from June thru September and there is a stipulation for the number of consecutives days. A demand response event or a peak power usage event is set by EnerNOC, based on when they see the demand of the grid, like during a heat wave when everyone has their air conditioners on. The city has the option of not coming off the grid but money could be deducted from our payment. The city also has the option, as long as the 1,250 kilowatts demand is satisfied, to move the power around within the facilities. There will be a two hour advance notice before going off the grid, which gives the city time to respond and determine where crucial needs are. Mr. Borton also stated the plants could run for 16 hours a day and come off for eight hours and nobody would see a difference. Mr. Ansel felt this is a good idea and maybe something we should have done earlier as several other larger municipalities have done this for a number of years. If the city does enter into this contract, Mr. Ulbright was interested in seeing a report at the end of the year as to how many times the city went off the grid, how much money was actually earned, etc. Additional power can always be added to this contract according to Mr. Borton. He is investigating the potential of running the water plant off the new generator installed at the waste water treatment plant to be able to bring both facilities 100% off the grid. Ms. Knapic also had concerns about the age of the backup systems for the lift stations and the cost of running them. In other words, \$166,000 looks great over five years unless the city is spending \$150,000-\$175,000 to get that money. Mr. Borton said to keep in mind that every time the city is asked to go off the grid, for every megawatt hour they pay us an additional \$600 and \$166,000 over five years is based on the city being off the grid for four hours a year. Mr. Silvestri noted that EnerNOC, at their cost, is going to monitor the city in terms of finding other efficiencies by installing metering.

Mr. Silvestri moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion failed (Ansel-yes; Buytendyk-yes; Cavin-yes; Knapic-no; Silvestri-yes and Ulbright-yes). The ordinance remained on first reading.

VIII. MISCELLANEOUS

Mr. Buytendyk addressed a couple Letters To the Editor that recently appeared in the Wooster Daily Record regarding the city not having a tax increase on the ballet. With \$6-\$8 million presently in the Rainy Day Fund, Mr. Buytendyk thinks it would be premature to ask the public for a tax increase. He does not think either the administration and this council, present and past, has been incompetent or negligent, when they can run the city at 1% for the number of years that they have and been able to provide the services it has. He believes the increase shouldn’t be put on the ballot until an actual need can be demonstrated. If there is a citizens’ initiative to put a tax increase on the ballot in November, Mr. Buytendyk stated he would not stand in their way, but he does not feel it is right for them to criticize the administration and council for their lack of initiative.

Mr. Ansel introduced a boy scout in attendance who was working towards his Citizenship in Community badge.

Ms. Knapic congratulated the Friends of Christmas Run Pool for all the hard work they have been doing to raise funds and feels this initiative exemplifies a wonderful cooperative effort between the city and the citizens. She hopes the rest of the citizens support this as well.

Mr. Ulbright too congratulated the Friends of Christmas Run Pool committee and noted they will be at several upcoming community events soliciting funds. Mr. Ulbright asked council members to contact Jim Newman at the Maintenance Garage, #330-263-5275, within the next couple of weeks regarding any suggestions they may have for streets which need repair work done this summer.

Mr. Silvestri also thanked the boy scout for attending the meeting.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 8:40 p.m.

David J. Silvestri
Acting President of Council

Cheryl K. Collins
Clerk of Council