



WOOSTER CITY COUNCIL MINUTES
April 6, 2015

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Scott Myers, Craig Sanders, David Silvestri and Jon Ulbright.

City Administration present: Mayor Bob Breneman, Law Director Dick Benson, Director of Administration Joel Montgomery, and Finance Director Andrei Dordea.

II. APPROVAL OF MINUTES

Mr. Silvestri moved, seconded by Mr. Ansel, to approve the minutes of the March 16, 2015 regular meeting. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman noted Ordinance No. 2015-10 regarding video service provider's franchise. Mayor Breneman said the state legislature in 2007 passed legislation that did away with the negotiation aspect of the franchise agreements between cities and cable service providers. Mayor Breneman said all existing contracts were allowed to remain in place until they expired, and Wooster's agreement with MCTV expires this summer. Mayor Breneman informed council members he received notice earlier in the day that Wooster has been awarded a Certified Local Government (CLG) grant to pay for a portion of the design guidelines. Mayor Breneman credited Andrew Dutton for pursuing the CLG certification and applying for the grant.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

The following member of the audience spoke: Greg Gehris, 347 N. Grant St. (Res. No. 2015-29).

VI. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel reported on the joint Finance/Safety Committee meeting held earlier in the evening and said the presentation given to council was very informative. Mr. Ansel said the city was going to proceed with a new fire station in 2007, but the project was put aside. He said the project is now being resurrected based on the need for a combined safety center made up of the Fire and Police Departments. Mr. Cavin said he believes the City is in need of a new fire station to serve the north end of the city and he believes the onus is on the City to provide those services. He added that he believes it is a needed and timely project and he looks forward to hearing more about the project in the future.

VI. OLD BUSINESS

1. First Reading – ORDINANCE NO. 2015-08 AN ORDINANCE AMENDING CHAPTER 743, TAXICABS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)

Ms. Knapic said the legislation would update the requirements and laws as they pertain to taxi services. Ms. Knapic said the changes come at the request of citizens and members of council. Ms. Knapic noted a few changes of significance, including clearer markings, and posting rates and licensing in the vehicles. Ms. Knapic also noted a taxi license will not be granted to an individual unless they pass a civil and criminal background check. She also noted the fees will be set by the Director of Administration and included in the City's fee schedule. Ms. Knapic said she left the legislation on first reading at the last meeting to allow time for input and has not received any.

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

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

2. First Reading – RESOLUTION NO. 2015-29 A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM A PROPERTY OWNER LOCATED ON BURBANK ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SAFETY SERVICES FACILITY, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic stated this legislation dovetails with the subject of the earlier committee meeting in that it pertains to a piece of property the City is negotiating to purchase. Ms. Knapic said this legislation would allow the City to begin the eminent domain process if negotiations with the property owner do not result in an agreement. She said she kept the legislation on first reading at the last council meeting to allow more time for negotiations, and she would leave it on second reading so the City could continue to reach out and negotiate with the property owner. Ms. Knapic said she is prepared to bring the legislation to a vote if an agreement is not reached by the next council meeting.

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2015-10 AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF WOOSTER PURSUANT TO A STATE AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE OF THE FEE TO THE VIDEO SERVICE PROVIDER; AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said this ordinance comes to council due to a change in state law which created an opportunity for cities to determine a Video Service Provider Fee and it would replace the prior arrangement in which cities would negotiate a franchise fee with the provider. Mr. Sanders said the City of Wooster's agreement with MCTV expires on June 20, 2015, so the City needs to establish its own fee by way of this legislation. Mr. Sanders said all fee amounts would remain the same and still generate approximately \$200,000 annually for the City's General Fund. Ms. Knapic asked if the City had an estimate as to what the fee amounts to per subscriber. Mr. Dordea replied it depends on the person's cable bill, so if a subscriber's bill is \$50, then the fee is \$1.50. Mr. Ansel added that MCTV supports keeping the fee at the same amount and noted the fee is exactly the same as the previous agreement. Mr. Cavin asked if the City would need to set the fee on an annual basis. Mr. Benson replied that once the fee is set, then it is set unless Council chooses to revisit and change it.

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

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

2. First Reading – ORDINANCE NO. 2015-11 AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY

ADOPTING PROVISIONS RELATIVE TO THE EVALUATION OF DESIGN-BUILD PROJECTS (Knapic)

Ms. Knapic said it is her understanding this legislation would allow the City to add design-build and construction management options to the current bidding process and that may give the City a less costly and more effective alternative at times. Mr. Montgomery said the state added this option to its process several years ago. He said the City never really had projects with such complexity that they needed to go that route, other than perhaps the wastewater treatment project a few year ago. Mr. Montgomery said it is a good option for larger and more complex projects, like the Safety Center or a bridge. He said it provide the opportunity potentially to cut some costs and to streamline the process. Ms. Knapic asked if would also help the City to coordinate projects because it would not have to deal with so many different contractors. Mr. Silvestri said he appreciated City Administration's efforts to increase contractor's accountability for the projects they are hired to complete. Ms. Knapic said she would leave the legislation on first reading to allow for additional comments on the subject.

3. First Reading – RESOLUTION NO. 2015-34 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH ENERNOC, INC. TO REDUCE ENERGY USAGE DURING PERIODS OF PEAK DEMAND, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders said EnerNOC is an authorized provider of reserve capacity electricity to PJM Interconnection, Inc. during a "demand response event". Mr. Sanders said PJM is AEP's main supplier of electric transmission services and is required to ensure proper transmission capacities are always available even during peak power usage events. EnerNOC pays large users to curtail power usage, and Mr. Sanders said the City's utility plants have the ability to use their own on-site power generation equipment, which qualifies the City for this program. Mr. Sanders said the City is seeking to renew the current contract with EnerNOC for another three years. Ms. Knapic asked what cost-benefit the City is currently receiving from being part of the agreement. Mr. Dordea replied the City received \$6,300 in 2013 and just under \$13,000 in 2014. Mr. Silvestri asked if those numbers were likely to drop off now that the wastewater plant is able to generate so much of its own electricity needs. Mr. Sanders said he did not want to call the agreement cost-neutral, though it would allow the City to have a guarantee of power supply if some event would occur creating the need. Mr. Ansel noted the City is saving on its consumption of power and have surplus to sell on the open market through EnerNOC. Mr. Montgomery added the City will not likely be approached by EnerNOC to decrease its consumption, so the revenue generated by that type of event will decrease.

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

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

4. First Reading – RESOLUTION NO. 2015-35 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANT MONIES; TO APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Myers)

Mr. Myers said this legislation is to allow the City to apply for a grant, which could pay for up to 80% (\$600,000) of the estimated \$750,000 cost of Phase One of the Wooster Bike Trail. Mr. Myers said he

would be asking to move this legislation to third and final reading to allow time for the application to be completed and submitted by the deadline. Mr. Myers said 73.8% of the respondents to the 2014 City of Wooster Comprehensive Plan survey ranked connectivity by sidewalks, bike paths and recreational trails to be either “somewhat” or “very” important, which is a statistic that deserves attention. Mr. Cavin asked how the space for the bike paths will be acquired or developed. Mr. Myers replied the paths are generally in the City’s right-of-way or a designation of space already in place. As an example, Mr. Myers cited Beall Avenue as a street that was purposely made wider when Streetscape was done to accommodate bicycles. Mr. Millea said there would be no issues of rights-of-way with this project, though some utilities will need to be relocated. Mayor Breneman added there are several major trails in development around the state and if the City of Wooster is proactive, then it can get connected to those larger projects.

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

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

5. First Reading – RESOLUTION NO. 2015-36 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MILLING VARIOUS STREETS (Ulbright)

Mr. Ulbright said the City estimates approximately \$250,000 in road repairs are necessary throughout the City, and is seeking permission to advertise and award a contract for those repairs. Mr. Ulbright said the project would include milling and then filling the problem areas on the main arterial streets in the City. Among the streets under consideration are North, Bowman, Quinby, Wayne, Market, Buckeye, Bever, Walnut, Columbus, Grant, Burbank, Friendsville, Beall, Highland, and Smithville-Western.

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

6. First Reading – RESOLUTION NO. 2015-37 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE EXTENSION OF THE WATER LINE SERVING STATE ROUTE 585 (AKRON ROAD) (Sanders)

Mr. Sanders said the City is requesting permission to advertise and to award a contract for the extension of a waterline on State Route 585 between Long Road and Highland Park Road. He said the project would involve the replacement of approximately 1,200 linear feet of 12” ductile iron and would also include replacing two water services and two fire hydrants. Mr. Sanders said the benefit of this work is the area will have access to the Intermediate Pressure Zone, which will allow for future expansion in that area. Ms. Knapic asked how the construction would fit in with the current construction going on in that area. Mr. Montgomery replied this construction would be along the side of the road and will be done before the paving portion of the other project. Mr. Silvestri asked if this project would connect and mix the Low and the Intermediate Zones. Mr. Montgomery said it would extend the Intermediate Pressure Zone down from Long Road south to Highland Park Road and there would be no mixing of zones because there is a valve between the zones that would be closed to prevent the mixing

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

X. MISCELLANEOUS

Mr. Ansel announced a finance review of the first quarter financial statements for Monday, April 20, 2015 at 7:00 pm in council chambers.

Ms. Knapic announced she would hold an informal meeting for Ward Two residents from 5:00pm – 7:00 pm at the Gathering Grounds coffee shop on Monday, April 13, 2015.

Mr. Buytendyk reminded council members they received a proposed fee schedule to council members for their review. Those fees will be in effect on May 7, 2015 provided there are no objections from council members.

XI. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Ansel, to adjourn. Motion carried and meeting so adjourned at 8:50 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council